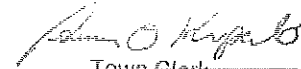


TOWN OF NEWINGTON
CONSERVATION COMMISSION
MEETING MINUTES

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2019 FEB 27 AM 9:00

February 19, 2019


Town Clerk

I. CALL TO ORDER

Chairman Zelek called the meeting to order at 7:00 p.m. in the Helen Nelson Meeting Room

II. ROLL CALL

Jeffrey Zelek
Andreas Sadil
Kathleen Marie Clark
John Casasanta
Peter Manke
John Bachand

Also present:

Erik Hinckley, Inland Wetland Agent
Susan Gibbon, Recording Secretary

(*These minutes of the February 19, 2019 meeting are verbatim.)

Chairman Zelek: I am going to seat Commissioner Bachand for Commissioner Paskewich, I don't believe he is going to make it this evening. Erik, have you heard anything from Commission Block?

E. Hinckley: No.

Chairman Zelek: Moving on to Public Participation on Non-Agenda Items. Any member of the public wishing to speak, please come forward and state your name for the record.

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

Deb Krawiec, 297 Cottonwood Road, Newington. I am here visiting my once fellow commissioners, I am here representing the Environmental Quality Commission ("EQC") and again I just thought I would take a couple of minutes and stop by and inform this commission of the ongoing partnership we have had over the years and that is our litter pickup. Our commission has been very busy. This year we have identified four legs to our activities. The first of which is events, which is the litter event which each of you are invited as always to participate. It is April 27th at 9:00 a.m. and the rain date is May 4th. We have been enjoying the partnership of the commissioners around the table and I know you often take the team lead role in helping our volunteers through the picking up of litter. We also have another event this year, we will be participating in the Extravaganza; just an FYI to let you folks know. The other three additional aspects or legs to our commission is education. Ongoing efforts have been made with all the school children to have them draw posters for the "Think before you toss, keep Newington litter free." We will exhibit these posters at the Extravaganza, but at the litter event, we will announce the winner and acknowledge the children that day. We do have t-shirts this year, you will notice that on our t-shirts what we have done is we have selected a logo from one of the winners from last year. It was our goal, as we involved our school students, we year as we identified first, second and third place winners we would also select our logo. This year we got the logo on our t-shirts, so I hope you enjoy them. This year we will select a new winner and will pick a logo for the following year. So, our efforts continue with educating our school children. We are also working with our library and will have a reading program during the week of Earth Day. We will be teaching, the library will be taking extra efforts to teach our students, or teach the young children about pickup within their area. The other areas

that we have been involved in is our area businesses. A letter has gone out, through the Chamber of Commerce, notifying business that we are inviting them to participate in Earth Day, or Earth Week, in coming forth and volunteering to go plastic bag free that day and certainly any businesses that acknowledges and ongoing efforts in keeping their property up-to-date, this year we are actually going to give out our Pride in Newington posters; so again, we are working closely with the Chamber on that as well. And the last leg of our initiatives is legislation; we know that there is a lot of legislation being put forth, we are just exploring what it is, there is no position that we have taken, we are looking to explore what is being put forth by our legislators and that is ongoing. I will take questions, but do look forward to our commissioners around the table participating. As always it is nice to have this partnership. Any questions? It is April 27th and the rain date is May 4th, 9 o'clock, same place, Churchill Park. As we get closer, I will drop off flyers and posters. Kathy, Commissioner Clark, has been our liaison in the past, I don't want to put her on the spot, but if she wants to take those flyers for us that would be great.

Commissioner Clark: Sure.

Chairman Zelek: Last year we had a great turnout, we had some family members tag along also and pitch in. My entire pickup was filled with garbage, it is quite a good turnout.

Ms. Krawiec: What was inspiring, besides the commissioners helping out, and it is up on our website, is all the young children that showed up with their parents; that was inspiring as well. This year we will try to get the boy scouts and girl scouts involved again as well, so we are working on that; last year we were off a day.

Chairman Zelek: You will remind the commission as we get closer to April 27th?

Ms. Krawiec: Yes, thank you as always.

Chairman Zelek: Any other members of the public wishing to speak, please come forward. Seeing none, we move on to acceptance of minutes from our regular meeting of January 15, 2019.

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of January 15, 2019

Chairman Zelek: Any corrections or updates from the Commissioners? Ok, seeing none, can I get a motion to accept the minutes. Commissioner Casasanta.

Commissioner Casasanta: I make a motion we accept the minutes of the January 15, 2019 meeting.

Commissioner Manke: I second.

Chairman Zelek: Second from Commissioner Manke. All in favor?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Motion passes unanimously. Moving on to New Business. Application 2019-01, 94 Holmes Road for a Building Addition in the URA, Owner/Applicant: 94 Holmes Road LLC, 94 Holmes Road, Newington, CT 06111

V. NEW BUSINESS

A. Application 2019-01, 94 Holmes Road for a Building Addition in the URA, Owner/Applicant: 94 Holmes Road LLC, 94 Holmes Road, Newington, CT 06111.

Chairman Zelek: If the applicant is present, could they please come forward and state your name for the record and give us your presentation please.

Justin _____, I am a Civil Engineer with Hallisey Pearson & Cassidy Engineering Associates out of Cromwell. Also here with me today is Jim Cassidy, who is a construction engineer with Hallisey Pearson & Cassidy. *[EXTREMELY DIFFICULT TO HEAR – PAPERS RUSTLING]* We are here tonight

representing 94 Holmes Road, L.L.C. The project site is located on Holmes Road, which is toward the north end of Holmes Road. It is approximately 1.6 acres, it is industrial zoned property and there is about 200 feet of frontage along Holmes Road. To the west of the property, or at the top of the plan, we are bordered by Component Technologies. To the south of the property, across Holmes Road, we are bordered by A.H.H. Harris Corporation, Construction Supplies and then to the east, or the bottom of the page we are bordered by FuelCo and Mohawk Farms and then to the north, or the right-hand side of the page, we are bordered by Fenwick Condominium Associates, which is a majority of single-family dwellings. Back to our project site, presently it is home to a 17,000 square foot building which is owned by John Michaels Associates. A small portion of the building is used for office space, while the majority is used as warehouse. John Michaels Associates distributes sporting apparel and accessories. So, going to the exterior of the building, there is a parking area that spans from the southwest corner, or the top left of the plan, around the existing site, or the existing building, to the northeast corner of the property, or the bottom right hand side of the plan. In that northeast corner is also a tractor trailer turnaround that ties access in to the two loading docks along the eastern edge of the existing building. So, the majority of the property today drains to the tractor trailer turnaround, there is a 12-inch flared end with a culvert that runs back to intercept an 18-inch pipe running to a catch basin on Holmes Road which runs out and intercepts another catch basin to the northeast on the FuelCo property. Now, moving on to the other side of the property, at the left-hand side.

Commissioner Sadil: Just one question, that current catch basin, does that drain in to the wetland? Where does that go? Where does that water go currently?

Jim Cassidy: Existing drainage.

Commissioner Sadil: Excuse me, Mr. Chair.

Mr. Cassidy: For the record, Jim Cassidy, with the engineering firm Hallisey Pearson & Cassidy. There is a drainage system that comes all the way down Holmes Road. There is actually a pipe that comes across the front of the property and continues down along this easterly property line and continues about 400 feet until it gets to a railroad track. On the other side of the track, there is a water body, it is like a pond on the other side, so it is pretty far away. It is not going to, there is a wetland that Justin is going to talk about which is at the southwest corner, but nothing is draining in to that area.

Commissioner Sadil: Thank you.

Justin: So, moving to the west hand side of the existing building, we have an existing drainage swale that runs from the outside side yard to the northwest corner of the property, which is the top right hand side of the plan. At the northwest corner, there is an existing yard drain which collects the runoff from the side yard of our property, along with a small portion of the wetlands located at the northwest corner of the property. Again, no runoff from our property runs in to the wetlands in that northwest corner. From the yard drain at the northwest corner, there is a pipe that runs to the east, all the way along the rear side of our site to an existing catch basin at the neighboring FuelCo site to the northeast corner of our site. As I mentioned before, there is a large wetlands area to the north of the property, as you will see on the plans, or on this sheet here, the wetlands line comes in from the north and connects in about the center line or a little bit to the west of the rear property line of our site and it takes a hard turn and runs completely alongside our property line. So, we don't actually have any wetlands on our property, however we do have about 19,000 square feet of upland review area on our property. As seen on this plan, the upland area is the red crosshatched area, so it runs about halfway down the existing building then it cuts in to the rear property line and everything between there and northwest corner lies within the upland review area. So, in addition to this area, we have two easements on the site running through the front hand side of the property. There is a 20-foot drainage easement in favor of the Town of Newington which follows that 18-inch culvert which runs underneath the parking lot. In addition to that there is a 20-foot sanitary sewer easement in favor of the MDC which runs from Holmes Road to the eastern property line of our site and then down the eastern property line to the rear of our site. So what we are proposing to do is add approximately a 10,000 square foot addition to the east side of existing building. This will be used completely for warehouse space. Along the south face of that addition is three, we are proposing to add

three drop doors. The northwest drop door, or farthest west, will be flush to the floor of the addition, while the two east drop doors will be 4 feet below finished grade for unloading tractor trailers or box trucks. So, we are going to have a section of new pavement running from the bases of the drop doors to the front of the existing building. It is important to note that the addition we will be taking out about 11,000 square feet of bituminous pavement for the construction and will only be laying back down 5,000 square feet of bituminous pavement, the rest of the impervious area that we will be adding is going to be roof. So that means we are in excess of 4,000 square feet of impervious coverage from existing conditions, however, we are significantly less on the bituminous pavement. So all the runoff from the roof is going to be clean water, whereas runoff from the driveway is going to be dirty, lower quality water. Along the east side of this paved area you will notice there are parking areas lining the side; five of those are existing, which means we are only adding another one to the end, so the new paved area will have a total of six parking spaces. To the north of those parking spaces you will see we are adding a bioretention basin. So, this basin is actually right where the 12-inch culvert currently is that controls all the runoff from the parking area, we are just proposing to have the pave lead off from the parking area and run in to a crushed stone which will actually send water in to the bioretention basin. On the opposite side of the basin, we are proposing a typical yard drain as our outlet structure, and a 15-inch pipe connecting in with the existing 18-inch pipe that runs across right of way going through the parking lot. Moving to the opposite side of the addition, you will see that we are proposing another bioretention swale, this one is primarily to control the proposed addition roof runoff. So you can see we have three roof leaders coming off of the addition, each of them has a rip rap spreader at the bottom which controls the discharge of water that comes from the roof leader. We have sized that bioretention swale to be to control the first inch of run off from the proposed additions roof and we slightly oversized it to help continue the velocity going to the existing catch basin on the property. Similar to the basin in the front, we are also using a typical yard drain as a control structure which we are planning on dropping to the existing line which runs to the rear of the property.

Chairman Zelek: Excuse me. Where does the bioswale drain to?

Mr. Cassidy: So what happens with this basin, as Justin has mentioned, there is a yard drain up at this corner and this yard drain connects into the larger drain which comes out to the east here. What we are proposing is a slight impression, just about a foot deep, we are going to put a catch basin at the end of it. So what happens, when the roof leaders discharge to it, it will build up and once it builds up to that one foot elevation, any excess water will go through catch basin and that catch basin is being installed on top of the existing line so then it will go in to the existing drainage system and continue on its way. By holding that first foot, it will promote ground water recharge and it will be putting clean water back in to the ground in that area.

Chairman Zelek: Approximately what year was the first building built?

Mr. Cassidy: I'm not quite sure.

Chairman Zelek: Erik, this is a question for you. Is there any opportunity here to possibly update any of the yard drains so they are current with best management practices?

Mr. Cassidy: There are some things we could do. There is a swale along this side and that is what the roof leaders are discharging in to right now. We could possibly take that one yard drainage and lift it up to help water infiltrate in to the ground to hold it better in that area for ground water recharge. Some other things I wanted to bring up and obviously as Justin has mentioned, for the development of this building, we do have an activity within the 100 foot upland review area. The wetland is off site and is about two and a half acres. If you take a look, you can see the typography of it. This is a copy of the Town's GIS mapping showing the wetlands. It is basically a depression, it is a wooded swamp area, it is about a foot deep in this area. The wetlands line comes to the edge of the property line. It appears when this property was developed, they basically graded and filled to the property line. What happens is when water comes down here it sits and builds up in elevation similar to our bioretention system and once it gets to about a foot deep, it starts flowing over onto our property and it gets in to that yard drain, so all this water is going in to that system also. With the proposed addition we are looking at doing, as Justin

had mentioned, all the drainage from this paved area goes in to the existing drain system, all the roof water from the addition will in to the bioretention system. Nothing from the developed portion goes towards this existing wetlands area. But also in order to build this addition and create this bioretention swale, there will be about a 7,500 square foot activity within the upland review area. Other measures we put on the plan to make sure that there is no disturbance to the wetlands, we looked at erosion sediment control plan, we propose to put a temporary structure fence at that corner of the building. Because this is the yard area in back we wanted to make sure no construction equipment went past that point and getting any closer to the wetlands. We wouldn't have any other activities in that area unless the commission wants us to make some modifications to that yard drain.

Chairman Zelek: Roughly what are the elevations of the wetlands compared to your property.

Mr. Cassidy: So our property line is approximately 71 and there is a low point here and it is about 69 ½ - 70.

Chairman Zelek: So it is about a foot or so...

Mr. Cassidy: Correct.

Chairman Zelek: You mentioned that water from the wetlands flows to your property.

Mr. Cassidy: Yeah, what happens is there is a decent grade coming off the Fenwick development over here, everything is sloping down. I would say it's a moderate grade dropping off about ten feet until it gets to this low point and then when it gets to that low point again it builds up and when it gets to about a foot, foot and a half, then it spills in the yard drain on our property. There is like a swale in the back that allows it to get into.

Chairman Zelek: Ok. So a majority of the current upland review area is already bituminous.

Mr. Cassidy: On our site, a majority is building. There is a portion right here that is an existing truck turn around area. If you take a look at our building today, you will find that there are two drop loading areas this area. So what happens today is the tractor trailers come in, they basically pull in and back out the same way.

Chairman Zelek: So, maybe I asked the question the wrong way. Is the area requested disturbance already bituminous?

Mr. Cassidy: Not all of it.

Chairman Zelek: Not all of it.

Mr. Cassidy: So, as Justin had mentioned, if you take a look at the existing conditions survey, this whole area of bituminous needs to come out to allow for the development of the addition. So we are actually pulling out 11,000 square feet of bituminous. Post development, we are going to come back and rebuild a small portion of that parking lot, so this lighter gray area will be new pavement of about 5,000 square feet. So, overall there is going to be about a 6,000 square foot reduction of bituminous pavement in this new parking and loading areas. We are adding the addition which is an additional impervious coverage of about 10,000 square feet, so overall your impervious coverage is going to increase by about 4,000 square feet but the majority of it is going to be the building area. Within the upland review area itself, the red line being the upland review line, it is all going to be roof, there is no new paved area in the upland review area.

Chairman Zelek: I think I saw on the plan a change to the tree line.

Mr. Cassidy: No, there is no change to the tree line.

Chairman Zelek: Ok, I thought I saw tree removal.

Mr. Cassidy: The tree line basically follows right along the property line...I'm sorry, you are right, there is some clearing along the back here. There is some shrub growth, we need to clear that out for the creation of the bioretention swale.

Chairman Zelek: Ok, so when you say shrubs, approximately what size are they?

Mr. Cassidy: What's that?

Chairman Zelek: When you say shrubs, approximately what size in diameter? There aren't any trees?

Mr. Cassidy: No, there are no trees. It's along this edge.

Chairman Zelek: Ok. Any questions from the commissioners? Commissioner Sadil.

Commissioner Sadil: Can you say one more time, approximately how wide is that bioretention swale in the back. Can you give me the distance between the back of the building and that yellow dashed line? What is that width there approximately across there?

Mr. Cassidy: Twenty five feet.

Commissioner Sadil: Twenty five feet?

Mr. Cassidy: Yes.

Commissioner Sadil: What happens when it rains, explain again. The roof leaders come down into that bioswale?

Mr. Cassidy: Correct.

Commissioner Sadil: And then it collects about one inch of water, rain water?

Mr. Cassidy: It is designed to treat and grab the first inch, in this case, it is actually going to take more on. We are not only using it for treating the first inch of run off of storm water by volume, we are using it for continuation of flow also, so we don't have an of flow because we are adding an increase 4,000 square feet of impervious coverage. So what happens it is designed to get one foot deep and once it gets to that one foot mark we have a yard drain at the end of it, and it will drain through the grate of that yard drain, there is an additional footer three or four feet beyond that so it can't fill up and spill over onto adjoining properties.

Commissioner Sadil: And be the construction of that swale, as far as the plantings that will go in there, has that been determined yet?

Mr. Cassidy: Yeah, we are proposing a rain garden mix, a grass mix, it will give us wildflowers and grasses along the bottom of it, it is a mix that can handle the temporary inundation; and then along the slope, which is only about two feet overall in height, we will have a roadside mix, a sort of erosion control mix along side of it. It will be recommended that it be periodically cut down so we can control it, and it doesn't get wooded with invasive species. It will be basically maintained as a yard, I shouldn't say a yard, it is a lower vegetation so its an annual cutting of that area.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I have a couple of questions. So the total net impervious gain is only 4,000 square feet. Is that correct?

Mr. Cassidy: Yes.

Commissioner Bachand: And you mentioned the one inch runoff, is that industry standard?

Mr. Cassidy: For storm water quality, it recommends treating the first inch of runoff.

Commissioner Bachand: What I am concerned about is the floor of the swale or the retention basin is actually lower than some of the surrounding grade, has that been factored in to what will be running in there as well?

Mr. Cassidy: It is lower, but the majority of that surrounding grade will be picked up by the yard drain at the northwesterly corner of the site.

Commissioner Bachand: Is there going to be a berm built on that north side of it to prevent that spill, because you said occasionally it spills over there.

Mr. Cassidy: To the yard drain at the northwesterly corner of the site, that is where the low point is.

Commissioner Bachand: Because I see grades that are very close here and that are higher than the floor of the swale. I am encouraged that the actual wetland steers away from that area. It looks like there is a residence right abutting the addition there.

Mr. Cassidy: Right, correct.

Commissioner Bachand: Is there a requirement for buffer between industrial zone and residential?

Mr. Cassidy: Twenty five feet.

Commissioner Bachand: Is there a requirement for a physical buffer?

Mr. Cassidy: It is...

Commissioner Bachand: Is it just a linear buffer?

Mr. Cassidy: A liner buffer, correct.

Commissioner Bachand: That's it?

E. Hinckley: When they go through the TPZ process, they will make sure any buffer meets their requirements.

Commissioner Bachand: So my next question is probably for your Erik. Is there any notice to that residence required?

E. Hinckley: No, not through wetlands. The TPZ perhaps.

Commissioner Bachand: That is it, thank you.

E. Hinckley: I take that back, unless there is a public hearing, and a public hearing necessary.

Chairman Zelek: Any interest in a public hearing?

E. Hinckley: I have heard none.

Chairman Zelek: All right, if there are no further questions, do you have anything else to present to us this evening?

Mr. Cassidy: No.

Chairman Zelek: We will table this to the next meeting. We can't act on this the evening we need to give the public an opportunity to petition for a public hearing, so we will see you at the next meeting.

Mr. Cassidy: Ok, thank you.

Chairman Zelek: And if we have any concerns or questions, we will let our staff know. Ok, moving on to old business Application 2018-09, 188 Costello Road, Restoration in the URA, Owner/Applicant: 188 Costello Rd LLC, PO Box 290227, Wethersfield, CT 06129.

VI. OLD BUSINESS

A. Application 2018-09, 188 Costello Road, Restoration in the URA, Owner/Applicant: 188 Costello Rd LLC, PO Box 290227, Wethersfield, CT 06129

Chairman Zelek: If the applicant is present, could they come forward please and continue with the application. So, Erik, at the last meeting we had a number of questions and concerns from the commission, you took notes. Did you have a chance to address this?

E. Hinckley: Yes, I forwarded the questions via email to the applicant and he in turn forwarded the email to Mr. Logan and he provided responses to the questions at hand. And you should have all had a copy in your packet?

Commissioner Bachand: In the most recent packet?

E. Hinckley: Yes.

Commissioner Bachand: I don't see anything in this packet, but we did get something emailed.

Commissioner Clark: I just got the emailed version.

E. Hinckley: That's right, there were emailed because I didn't get them before I mailed them.

Commissioner Bachand: You are talking about a week or so ago, right?

Chairman Zelek: So, were there any questions or concerns about his responses?

Commissioner Bachand: I just saw that he stated that there were going to be no wood chips being used.

E. Hinckley: Correct.

Commissioner Bachand: I do have one question when we get to the question time.

Chairman Zelek: Would it be helpful if we went through those concerns and how they were addressed?

Commissioner Clark: I believe that might be, my question was on the same questions that Commissioner Bachand's was. I believe reading the questions and responses would be helpful.

E. Hinckley: It would be helpful if I had a copy of them.

S. Gibbon: Here.

E. Hinckley: Those are the earlier ones, I need the most recent.

S. Gibbon: Here, I have those too.

E. Hinckley: Thanks. So, one of the first questions you had was "What is the life of the wood chip berm for the use in conjunction with the silt fence and if invasives are in the existing much pile and used won't the invasives spread, and will new mulch be used for the berm so invasives don't spread." His response was to discontinue the recommendation for a wood chip berm and maintaining a silt fence will probably protect the site at the regulated resource.

Commissioner Clark: So my question was...

Chairman Zelek: Let me ask the applicant first...

Commissioner Clark: Ok.

Chairman Zelek: Are you in agreement with the recommendation from REMA?

Mr. DiCioccio: Yes, we are agreeing. Like we stated before, we know it was Commissioner Clark's concern that we not use the invasive wood chips and we have no problem moving them off site.

Chairman Zelek: Just for the record, can you state your name and address.

Mr. DiCioccio: Brian DiCioccio, 188 Costello Road. I was going to tell you guys, I feel like this is like a modern day book club, we meet every three months here.

Chairman Zelek: Ok. So are there any follow up questions from the commissioners on that first item?

Commissioner Clark: My question is. is it a maintained silt fence? Is it there forever as a silt fence?

E. Hinckley: No, I think it is only there through the construction process and until the grasses have germinated and taken root. That is typically how you do it and then the silt fence comes down.

Chairman Zelek: Ok, any other questions or concerns? Next question.

E. Hinckley: Ok, the next question was "How will the hydrology of the wetland be affected by the stormwater runoff?" His response was: the wetlands and water courses hydrology is predominately derived from surface floods associated with the water shed above the site which is roughly 77 acres. The proposed stormwater management system which includes a bioretention swale will promote some infiltration and no adverse impacts to the hydrology of the regulated resources will be affected.

Chairman Zelek: Any comments or questions. Ok, Erik, what was the next question.

E. Hinckley: Questions: "What is the growth rate of the two seed mixes and how big can we reasonably expect the dogwoods to get after one growing season." The response was: the herbaceous species, depending on if was a spring or fall seed mix application would be between one and three feet tall by the end of the growing season. If the shrub mix was planted in the spring dogwoods would be between 1 ½ and 2 tall by the end of the first growing season. I assume he means feet, he don't put feet.

Commissioner Sadil: Mr. Chairman.

Chairman Zelek; Commissioner Sadil.

Commissioner Sadil: Is that going to be maintained or cut yearly or annually? I know we had a question about that.

E. Hinckley: I believe it is whatever he designated in the original plan for the maintenance. I don't know, I don't remember off the top of my head.

Commissioner Bachand: Are you talking about the 20 foot section now or the balance, the one referred to as the balance?

Mr. DiCioccio: Excuse me. The 20 foot section would be left alone. The balance is the one we maintain once or twice a year per his recommendation for the first two years.

Chairman Zelek: That 20 foot section is the one closest to the wetland.

Mr. DiCioccio: Correct.

Chairman Zelek: Any other questions, comments? Moving on.

E. Hinckley: Next question: "When would the seed mixes be applied?" Response: Preferably in April or May of 2019. A September seeding is also applicable.

Chairman Zelek: Ok, any questions or comments? Moving on.

E. Hinckley: Question: "Can you clarify the reasoning for the 4-5 trees that you state were cut down?" "Could you suggest a tree species that will survive in this environment also, that can be worked in conjunction with your proposal, we would like to see a few trees replaced as it would benefit the habitat in the area?" Response: In our opinion and based on the existing vegetation of the slope as well as the quality or lack thereof of the regulated resource, we do not recommend any tree planting. Planting of trees will not provide any additional benefits to, or protect the functions and values of the regulated resource. In fact, trees are vulnerable to invasives, specifically Asiatic bittersweet, which is why we are proposing a dense shrub cover type that can be managed while it is being established. I believe that the applicant has also acquiesced to possibly planting a number of trees if you so desire.

Chairman Zelek: Any comment from the applicant?

Mr. DiCioccio: Yes, we propose to plant 5 or 6 white pines by the edge of the cul-de-sac so that we don't have any more dumping on the site, because there is still trash being dumped up there.

Chairman Zelek: Does the commission desire having these trees planted following his proposal?
Commissioner Clark?

Commissioner Clark: I believe white pines sound like a great choice and I think them being used as a trash deterrent is brilliant.

Chairman Zelek: Any other commissioners?

Commissioner Sadil: I have a question. Where exactly is that on the map? I looked at your layout, exactly where are those trees going to be?

Commissioner Manke: Right by the circle.

Commissioner Sadil: Right by the bottom here?

E. Hinckley: They are going to be right by the basin, running along here. In this general area. He is just trying to prevent people from backing up and dumping.

Chairman Zelek: Sounds good to me.

E. Hinckley: All right, and he also proposed a few other things in addition to the original plan. He proposed cutting of the Asiatic bittersweet on the existing trees, specifically the large cottonwood trees within the buffer area. Add four trays, three each of tublings of grey and silky dogs woods to the northern zone closest to the regulated resource. These are live plants measuring 6-24 inches which will quickly spread in the zone to supplement germination by shrub, seeds and the prescribed seed mix. These are available from NEWP of Amherst, Mass; and lastly planting a row of white pines at the edge, 5 or 6, at the edge of the property to screen and block off the cul-de-sac from the restoration zone.

Commissioner Sadil: I have a question Mr. Chair.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: Relative to the gray and silky dogwoods, where is that going to be installed? Is that a bush, it's not a tree, it is chubby bush.

Mr. DiCioccio: Those will be planted in the green hatched area, the 20 foot area.

Commissioner Sadil: Between the green and red hatched area.

Mr. DiCioccio: Correct, in it's entirety. They will be spaced throughout.

Commissioner Sadil: As a natural barrier.

Mr. DiCioccio: Correct.

E. Hinckley: And those will be shown on the final plan. The placing of the x amount of dogwood trees and seed mix. Those will be on our plans.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: Were those, when the dogwoods go in, are those something that gets mowed down every year or are those something that just grows to a height. As far as I know, dogwoods would grow and maintain their short height and not be part of the mowing down every year.

E. Hinckley: Right, there are going to be in that 20 foot zone that is going to be untouched, unmanicured.

Commissioner Clark: Thank you.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: Can you just read that line again, because it sounded like it is closest to the regulated resources. I was going to ask, does that mean it is in the undisturbed area, but you are saying it is in the 20 foot zone.

E. Hinckley: I believe so, again, it will be demonstrated on the plan.

Commissioner Bachand: I am glad to see it going further to the south, the larger growing plants.

E. Hinckley: We can certainly request that they be spread throughout that 20 foot zone.

Chairman Zelek: Ok, any other questions or concerns about the restoration plan?

Commissioner Bachand: I just have one question in general. Is it ok now to ask.

Chairman Zelek: Yes.

Commissioner Bachand: So, you saw the emails I was sending. My concern from the beginning that the silt fence, there is no measurement, there is no bench marks stating exactly where that is. When that is gone, how is that going to be measured in the future. Do you remember those emails I sent? I have no established pertinent, I don't even know if I was supposed to be asking those questions or if that was related. My concern was that you will never know what part needs to be mowed, or isn't, in the future.

Chairman Zelek: Ok. I think you came up with a very valid point. So how do we demark which area does not get mowed?

Commissioner Bachand: You can just make the...

Chairman Zelek: I want to ask the applicant.

Mr. DiCioccio: We are going to know the area, we will know what 20 feet is and we will know by the dogwoods we've planted, the bushier type of vegetation is not to be mowed or the grassier type is to be maintained periodically.

Commissioner Bachand: That is a good way, I was going to suggest some measurement from the curbside in. Something that can be easily identified. We are taking what was a very diverse buffer and making the balance part of it a roughly maintained lawn.

Chairman Zelek: Is there anyway you can demark that area with placards or natural landmarks like stones or large rocks. You may not own the property indefinitely if you ever were to sell it.

Mr. DiCioccio: We can randomly put some boulders that we stumble upon during our excavations for delineation.

Chairman Zelek: Yeah. Is the commission ok with that?

Commissioners: Yes.

Chairman Zelek: Good compromise. I think we are ready to move on this. Erik, do you have conditions for the application?

E. Hinckley: I gave you all conditions for you to review.

Chairman Zelek: Did the commissioners all read the conditions?

E. Hinckley: It is the standard conditions with three additional conditions that kind of mimic what was approved for 550 Cedar Street.

Commissioner Bachand: The three additional are A, B...

E. Hinckley: Yes, A, B and C.

Chairman Zelek: Just for the commissioners benefit, 550 Cedar was the housing complex by the railroad tracks, where they established a conservation easement.

Commissioner Sadil: Condition A states an invasive species management and removal plan. Is that something that REMA will help the applicant, will the applicant make that plan?

E. Hinckley: Typically it is something that the environmental professional comes up with a plan and gives it to us. He actually addressed a portion of that by talking about removing the Asiatic

bittersweet. So, if he comes up with a more definitive plan, he just provides it to us and we have a copy of it.

Chairman Zelek: Is it attached to the mylar?

E. Hinckley: Typically no, it is just given in letter form.

Chairman Zelek: These conditions will be attached to the mylar.

E. Hinckley: Absolutely, correct.

Commissioner Bachand: I have one question for the applicant. It is he aware of condition B? That requires three years of inspections and reporting back to this commission.

Mr. DiCioccio: If you don't mind, I would like to have a minute to ...

E. Hinckley: Yeah. I just gave them to him to review. Additionally, you know, the commission can alter any of these, if you want to change the length of time on some of these or anything else, that is certainly within your purview.

Commissioner Bachand: I'm sorry, can you repeat what you just said?

E. Hinckley: I said like on item B, you can certainly change it to two years, five years, whatever, I just went with a template that we did for 550 Cedar, especially because knowing the nature of the disturbance that occurred out there.

Commissioner Bachand: That is the only reason why I asked if he was aware of it. He may find it, or think, that it is somewhat...

Chairman Zelek: It is a condition that we require.

Commissioner Bachand: I don't have a problem with it.

E. Hinckley: And just to be clear, I removed the word biologist this time.

Commissioner Casasanta: Mr. Chairman, now I have...

Chairman Zelek: Let's hold off because the applicant is not present. I just want to note for the record that the applicant is not in the room.

Commissioner Casasanta: Sure.

Chairman Zelek: So, I don't want to continue the discussion without him here.

E. Hinckley: You could recess for five minutes or until he returns.

Chairman Zelek: Yeah, ok, let's take a five minute recess.

Recess

Chairman Zelek: Ok, I am calling the meeting back to order. You have read our conditions, any questions or concerns for the commissioners.

Mr. DiCioccio: I would just like to say on item 10, B, that be no more than three years.

E. Hinckley: It currently says "for at least three (3) subsequent years" and we can put "no more than three (3) years."

Commissioner Clark: I am going to say that he said 10, but he means B.

E. Hinckley: Correct. So it is whatever the pleasure of the commission is.

Chairman Zelek: I think three years sounds reasonable.

Commissioner Sadil: Say for three years, get rid of the "at least".

E. Hinckley: So we will remove "at least".

Commissioner Clark: Ok, good.

Mr. DiCioccio: Correct.

E. Hinckley: Ok. You guys good with that?

Commissioner Manke: That seems reasonable.

Chairman Zelek: Can I get a motion then, Kathleen.

Secretary Clark: I make a motion that Application 2018-09 be granted a summary ruling based on the evidence before it and after a full review of the considerations set forth in Section 10.2 to be regulated activity not involving significant or major effect on the inland water course as defined in Section 2.1 of these regulations and subject to the following conditions. Our standard conditions 1-10 and these additional conditions:

- A. An invasive species management and removal plan for the site shall be provided to the Town of Newington Conservation Commission.
- B. Subsequent to the grass, shrub and tree plantings, an inspection of the planting areas should be conducted by an environmental professional to document the placement and vigor of the grass, shrub and tree plantings. Additional yearly inspections of the planting areas should be conducted during the growing season for three (3) subsequent years to ascertain survival rates. Reports documenting the findings of the inspections (including the presence of any invasive species) shall be provided to the Town of Newington Conservation Commission. If mortality rates of the plantings exceed 10% (10) the plantings shall be replaced.
- C. Prior to the signing of the final plans all comments from the Town Engineer shall be satisfied.

Chairman Zelek: Erik, the application is complete?

E. Hinckley That is correct.

Chairman Zelek: Ok, can I get a second?

Commissioner Manke: I second.

Chairman Zelek: Second from Commission Manke. Any further discussion? Seeing none, all in favor.

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? The application is approved.

Mr. DiCioccio: Thank you.

E. Hinckley: I'll be in touch with you to finalize the plans.

Chairman Zelek: Moving on then to Public Participation on Non-Agenda Items.

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

Chairman Zelek: Seeing none, we move on to Communications and Reports. Vernal Pools.

VIII. COMMUNICATIONS AND REPORTS

A. Vernal Pools

Chairman Zelek: See Alan is not here, we move on to Invasive Plants.

Commissioner Bachand; I think I shared a video of the vernal pool with some of you up on Cedar Mountain. I visited at a time when it was frozen and I was able to walk around in there and look at

the swamp cottonwoods. If you want to share it, feel free to do so. I don't think I should send it to everyone.

Commissioner Casasanta: Is it on YouTube?

Commissioner Bachand: No, I didn't put it on YouTube.

Commissioner Casasanta: I've seen your videos on YouTube, if you post it there, I will find it.

Chairman Zelek: Invasive Plants.

B. Invasive Plants

Commissioner Clark: I don't really have anything that is related, but I guess I will jump in here and say this during my invasive plant section. I want to call peoples attention to a meeting of the Connecticut Association of Wetland Scientists, and even though none of us are actual wetland scientists, I attended this last year and it was very good.

E. Hinckley: Yes, you said it was very good.

Commissioner Clark: It spoke to things any of us would understand. I would say 80% of it was germane to things that come before us or have come before us. I cannot encourage people enough to attend this. I can forward their annual meeting to anybody. It is March 14th in Cromwell. Again, I just thought it was...

Commissioner Bachand: It is the association of who?

Commissioner Clark: The Connecticut Association of Wetland Scientists. Erik gave me the handout last year and I just encourage anyone to attend and increase their knowledge base.

E. Hinckley: If I have a flyer or an email, I will pass it along.

Chairman Zelek: There is another item I want Erik to talk to us about tonight. There it a site plan modification, this is a site plan that came before us and we approved. I want Erik to present this for your consideration and for agent approval. It is a little bit unusual, its bigger than a breadbox and for your consideration.

E. Hinckley: I only have one set of plans that I will pass along. This is 395 Willard Street. currently it is the empty lot that is over there near Dutch Point, just to the north, that empty lot there. A few years ago there was a plan approved for an adult day care there, we actually granted an extension of the permit just as it was about to expire. They came in with a new plan which was modified. Apparently, that site has since sold again, and now there is another plan. So the question is, they never submitted a final mylar because they were waiting for information from HOSTA which is the state traffic authority for a curb cut there, so the question is do we want them to submit mylars with this new layout because it actually is less impervious that what was previously approved. Like I said, I will pass these around. The building is actually smaller, originally the building clipped the buffer line, now it is 15-20 feet away. So the applicant wants to know, they are going to go to TPZ for a site plan modification, because they are changing use from medical to a daycare or school and that is all I have. I do not have a full set of the plans, but I will past these around. One is listed as prior approval, and one is what they propose to do now.

Commissioner Bachand: Do we need to decide tonight?

E. Hinckley: That would be helpful, I believe they are on the docket for the next TPZ meeting, I believe, I'm not positive.

Commissioner Bachand; Can you explain again where it is, because I'm not positive.

E. Hinckley: You go out on Willard and go north past Alumni Road where Dutch Point is and that condo complex.

Commissioner Bachand: Next to Rosenberg Orthodontics.

E. Hinckley: Yup, that is exactly where it is. There is a little pocket wetland in the back there.

Commissioner Bachand; So they are downsizing.

E. Hinckley: It appear to be, yes. It is smaller and less impervious.

Commissioner Manke: Less parking lot.

E. Hinckley: Less parking lot. This was originally approved before most of you were on the commission. Probably Mr. Zelek and Mr. Block were on at the time, so you guys really never had a bite of the apple. So, it is up to you whether you want them to come before the commission or if you want me to do it as an agent approval.

Commissioner Manke: It is under an existing permit?

E. Hinckley: It is under an existing permit, correct.

Commissioner Manke: Extended.

E. Hinckley: Extended permit, correct. They probably have another 5 or 6 years left on the existing permit.

Chairman Zelek: Is there really an agent approval or is a modification?

E. Hinckley: It is really modifying an existing permit, but like I said, they never submitted the final plans for the original, so we can keep the conditions we had and just have them submit this plan and put them on the final mylars if you guys are happy with it. Then there is really nothing they have to do. Like I said, if you guys want them to...

Chairman Zelek: Isn't there a condition that if the final mylars aren't submitted within 6 months, it's invalid?

E. Hinckley: That is correct.

Chairman Zelek: And how long ago was it that we made this modification?

E. Hinckley: It is more than 6 months.

Chairman Zelek; There it is.

Commissioner Bachand: I know that is for residential, but is it for commercial as well?

E. Hinckley: It is a standard condition.

Chairman Zelek: If they never brought in the mylars, legally we can't go any further with them, if we never signed them and they were never presented.

Commissioner Bachand: Is that a TPZ thing or is that both wetlands and TPZ?

E. Hinckley: TPZ has some statutory time limits that they have to file by, I don't know what they are, this is just a condition in ours.

Commissioner Bachand: It is a wetland condition.

E. Hinckley: It is a wetland condition, I don't know if we have ever used it before or if anyone has ever challenged us on.

Chairman Zelek: It is a condition that we voted on, so I would happily have taken this in as a modification, but since...

E. Hinckley: Ok, so they need to submit an application for a new permit because the mylars were not submitted.

Chairman Zelek: Yes.

E. Hinckley: Ok, fair enough.

Commissioner Bachand; There is disturbance in the upland review area, correct?

E..Hinckley: There will be, there is some sort of drainage swale and detention poon in the back there, in the regulated area.

Commissioner Clark; There is already?

E..Hinckley: There is an existing pocket well, but that is what was proposed and approved by you guys prior.

Commissioner Clark; I think Jeff is right. Dealing with the people who are actually making this happen this time will save a lot of trouble later.

Chairman Zelek: Any other comments before we go to adjournment? Commissioner Clark.

Commissioner Clark: This is a general comment triggered by our application that we approved tonight and it was the absence of the presence of the wetland scientist as part of our approval. I felt that caused a lot of lack of opportunity for us and I think we were all surprised that the wetland scientist did not appear and I wonder if going forward that is something that we can ask of the applicant instead of just saying "hi can you get a wetland scientist?", to make it clear we would like their presence at a meeting.

E..Hinckley: That is a perfectly valid request. We added that for a map amendment, we put that in the regs after the Day Street debacle, typically they usually show up, Mr. Logan, you guys have talked to him before, you know, he is tough to get ahold of, he is tough to get in, they didn't want to pay him, I don't know.

Chairman Zelek: I think his lack of presence delayed the process. I think we would have wrapped this up at the last meeting if he were here.

E..Hinckley: It is a valid request going forward. When you have an applicant where they have an environmentalist, let them know you want the environmentalist here at least one meeting. Have them here for the initial meeting and then maybe extra questions can be via email or whatever is fine, unless it is a large project like 550 Cedar Street, then you want them at every meeting to hatch these things out. But something smaller.

Commissioner Sadil: One other thing I noticed is that Mr. Bongiovanni made the plan, but he never showed up either. Talking about the bioswale and the capacity of it, I never got an answer to that.

E..Hinckley: Well the plans are getting reviewed by engineering.

Commissioner Sadil: You figure you are saving, but he could have been there and answered the question right off the bat without dragging things out. People think they are saving in the short term, but questions do come up and they don't know the answer.

E..Hinckley: I do meet with the applicants and I tell them to bring their professionals, I can't force them to, I strongly recommend it, like I did with Mr. DiCioccio, but he chose to represent himself.

Commissioner Bachand: I know it's a thorny issue about Day Street.

E..Hinckley: He never filed a mylar, it is null and void.

Chairman Zelek: That is another application that is null and void because we don't have a signed mylar. Can I get a motion to adjourn?

IX. ADJOURNMENT

Commissioner Manke: I make a motion we adjourn.

Chairman Zelek; Can I get a second?

Commissioner Bachand: I second.

Chairman Zelek: All in favor?

Commissioners: Aye.

Chairman Zelek: Have a good night.

The meeting adjourned at 8:06 p.m.

Respectfully submitted,



Susan Gibbon

Recording Secretary