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

ROLL CALL
Jeffrey Zelek
Andreas Sadil
Kathleen Marie Clark (arrived at 7:02 p.m.)
John Casasanta
Peter Manke
Alan Paskewich
John Bachand

Also present:
Erik Hinckley, Inland Wetland Agent
Susan Gibbon, Recording Secretary

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

Chairman Zelek: I am going to seat Commissioner Bachand for Commissioner Block until he returns. I would just like to remind the public and all the commissioners to please use their microphones. Please let the record show that Commissioner Clark has arrived. I would just like to remind everybody to turn off their devices or silence them so there are no interruptions during the meeting. Commissioners and public, please use your microphones when speaking. 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.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (each speaker limited to 2 minutes)
Chairman Zelek: Seeing none, we move on to Acceptance of Minutes of the Regular Meeting of February 19, 2019.

ACCEPTANCE OF MINUTES
A. Regular Meeting of February 19, 2019
Chairman Zelek: Any corrections or updates from the Commissioners?
Commissioner Bachand: It's pretty minor, on page 7, middle of the page, it should be you, not your.
Chairman Zelek: Thank you. Any other commissioners? Seeing none, can I get a motion to accept the minutes?
Commissioner Sadil: I make a motion we accept the minutes from the Conservation Commission meeting of February 19, 2019, as amended.
Chairman Zelek: Thank you Commissioner Sadil. Can I get second?
Commissioner Paskewich: I second.
Chairman Zelek: Second from Commissioner Paskewich. All in favor?
Commissioners: Aye.


V. NEW BUSINESS

A. Application 2008-02, 395 Willard Ave, Modification, Owner: 395 Willard LLC, 433 South Main St, Ste 328, West Hartford, CT 06110, Applicant: Colchester Properties LLC, 56 East Main St, Avon, CT 06001

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

Alan Bongiovanni: Good evening Mr. Chairman. For the record, my name is Alan Bongiovanni, I am a licensed Land Surveyor for the Connecticut with an office at 170 Pane Road in Newington. I am representing Colchester Properties in this application for a modification to a wetlands permit at 395 Willard Avenue. If you recall about a year, year and a half ago, we came before you on this same site that was originally approved in 2008 as an adult day care. Last year, year and a half ago, we came back, it never got built, the proposed developer for that passed away and the site sat vacant for several years. We came back to the commission with the current property owner Figure 8 Properties and they had it reapproved as an approximately 10,000 s.f. office building and that is the plan I have before you. We have a new developer, Colchester Properties, proposing a day care center again, this time for children and we have a new plan which is very similar in nature. The yellow represents the 100’ regulated area and we have about 4,000 s.f. of impervious are within that regulated area. The approved permit calls for 6,142 s.f. so we are reducing the impervious area by about one third. We are not making any changes to the drainage or the low impact design areas that we had in the original permit, we are just looking to reduce the amount of impervious area. To put it in nutshell, we are improving situation, we are putting less pavement, less hard surface down on a project that you already approved, and we would like you to reapprove this modification if you will.

Chairman Zelek: Any questions from Commissioners?

Commissioner Bachand: What is the nature of the wetland? Because when I look at the site, I don’t see anything there.

Mr. Bongiovanni: The two orange areas are the wetlands. When the old Fafnir building was turned into a subdivision, and some improvements were made, these were actually drainage improvements that were designed and built as part of that. A detention basin and a filtering sediment basin, they turned in to wetlands over time.

Commissioner Bachand: So they were man made originally.

Mr. Bongiovanni: They were man made. Our permit calls for some reworking that, so you have bio swales and things like that to improve that area, and that is still part of the proposal. We were are doing is removing some of the pavement and hard surface area within the regulated area.

Chairman Zelek: Any follow up questions Commissioner Bachand.

Commissioner Bachand: No, thank you.

Chairman Zelek: Commissioner Manke.

Commissioner Manke: On page 15, you call for the installation of a new sewer manhole with a bypass pump. Can you explain what that is?
Mr. Bongiovanni: I think what you are referring to is this, as this was all part of the Fafnir property, there is a sewer main that goes through the property and a water main, I think it is fire and domestic.

E. Hinckley: I think it is fire.

Mr. Bongiovanni: What we have to do, they go right through the center of the building. We are going to relocate those and pipe those around. So there will be new sewer main installed along the frontage of the former Fafnir building to the rear of our property. We are going to basically just loop around the building to reroute those.

Commissioner Manke: And what does the pump do, what is the pump for?

Mr. Bongiovanni: I’m sorry I don’t have that in front of me, I am not quite sure. I don’t recall. That may be a detail during construction. I’m pretty sure.

Chairman Zelek: Any other commissioners? Commissioner Sadil.

Commissioner Sadil: Mr. Bongiovanni, on sheet 7, I was looking at the planting plan and it calls out, I see the index here, UA, I didn’t see that type of plant on the index here, I didn’t see that code describing what type of plant that is. Just out of curiosity what does the UA designation mean?

Mr. Bongiovanni: Again, I don’t recall that off the top of my head, I will look to clarify that with staff.

E. Hinckley: It’s on the table.

Commissioner Sadil: Oh, there it is. There it is, Jefferson Elm.

Mr. Bongiovanni: That plant list was completely reviewed.

E. Hinckley: It is a Jefferson Elm. It is a Jefferson Elm on the table.

Commissioner Sadil: All right, sorry. Mr. Chairman.

Commissioner Sadil: Mr. Chairman. Logistically, if we approve this, is this permit good for another five years or does the clock stop or does it continue on.

Chairman Zelek: Erik, can you answer that.

E. Hinckley: This permit was already extended one other time as well, so I believe currently it would expire in 2021 or 2022 because it is already maxed out of the extensions. So it would be whatever the current expiration date is, it is either 2021 or 2022, I can’t remember off the top of my head.

Chairman Zelek: It appears that there are no more questions for the applicant. Unfortunately, we can’t act on this this evening. We are bound to allow the public to petition for a public hearing. We can act on it at our next meeting and we have only one minor detail that we are waiting on regarding the pump. Commissioner Clark.

Commissioner Clark: One other question, and I just didn’t have a chance to check, one of the plants is a Honey Locust and that is one of those now thought to be invasive or over enthusiastic as a plant, everything else looks good.

E. Hinckley: So, are you asking he applicant to switch that out?

Commissioner Clark: Yes. I would love to do more research on it, but I am pretty sure that all the Honey Locusts have been identified to become a problem when they weren’t thought to be earlier, but now they are.

Mr. Bongiovanni: We can substitute something for that.

Commissioner Clark: Ok. Or just eliminate it. Thank you.

Chairman Zelek: Ok, seeing there are no other items...
Mr. Bongiovanni: If I may Mr. Chairman, at my client's behest. We tried to do this on a staff review process, as we talked earlier, and I still, if the commissioner could see fit to push this back to a staff approval. It is minor in nature, it is an improvement to the existing permit we have. My client is on a tight time line, he has contractual agreements and his goal is to have this facility complete by year end. If it doesn't get approved now, not that is won't happen, but we are looking at probably another month and a half by the time we got to TPZ, back to you guys and then back to TPZ. We have a public hearing set for next week with TPZ. I know there was an issue with the original mylar not being filed. We can provide that to the engineering department tomorrow, there was an issue with the State OSTA getting some of their comments back. If you would like to discuss it or if there is anything I can do to facilitate that.

Chairman Zelek: Erik, can we legally change this from a full review to an agent approval?

E. Hinckley: All the work within the URA is certainly within your purview. You can do it, you guys have seen the plan, and you approved it prior. Basically, all they are doing is improving the impervious and reducing the size of the building. They are moving it farther away from the buffer.

Chairman Zelek: As we discussed at the last meeting, the only reason you are here is because the Mylar was not submitted and signed so the application, or permit issued, was invalidated because we didn't have a signed Mylar. I open it up for discussion. Commissioner Bachand.

Commissioner Bachand: I'm not opposed, I don't see a reason to not do it, I'm not opposed in other words.

Chairman Zelek: I think Erik fully understands the concerns of the commission which is really something minor concerning a tree. If we could put this to a motion and make it official to resolve this as an agent approval. Kathleen, can you make a motion please?

Secretary Clark: I make a motion we approve this application to be acceptable as an agent approval.

Chairman Zelek: Can I get a second please?

Commissioner Paskewich: I second.

Chairman Zelek: Second from Commissioner Paskewich. That doesn't mean an automatic approval, Erik will still need to review it and I will sign the mylar once it is approved, to finalize it. Any further discussion before we vote. Ok, seeing none, all in favor of the motion?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Motion passes unanimously. We will turn it over to our agent for approval.

Mr. Bongiovanni: Thank you very much Mr. Chairman and members of the commission.

Chairman Zelek: Moving on the next it Application 2019-02, 765 Willard Ave, New Building In The URA, Owner: Mazur LLC, 56 Farmington Ridge Dr, Farmington, CT 06032 Applicant: Margaret Mazur, 56 Farmington Ridge Dr, Farmington, CT 06031

B. Application 2019-02, 765 Willard Ave, New Building In The URA, Owner: Mazur LLC, 56 Farmington Ridge Dr, Farmington, CT 06032 Applicant: Margaret Mazur, 56 Farmington Ridge Dr, Farmington, CT 06032

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

Chris Bell: Good evening Commissioners, my name is Chris Bell, I am a professional engineer from Higganum, 1 Doanne Road, Higganum. What we have here is a very small residential lot located on Willard Avenue, it is located right around the corner from the town hall. If you come out of the driveway
and take a right, it is the first house on the lift side, there is a lot right next to it. This lot is basically, it is mostly lawn with some pine trees on the north side. It is about .8 acres. It is located right adjacent to a wetland that is on the Eddy Farm Preservation LLC property; it is just to the south of the property. The wetlands do not extend in to the property, but they are very close to it. The location of the wetlands here shown on the lower green line are located by a survey that was done exactly three years ago by a survey done by Bongiovanni, who just left the room. We believe the town map location of the wetlands is very accurate in locating what is out there in the field and by staff’s recommendation I kept with this instead of getting it flagged. The upper green line is the 100-foot setback back to wetlands, which extends basically to about 90 percent of the property. The house is a conservatively small house that will be as little disturbance as possible. We will not be having a full basement because of the presence of ground water there; a condition that will probably be a 24 hour a day pumping of a sump pump, the owner does not want a basement, so it is basically going to be a crawl space. The crawl space foundation drain and drainage from the house and runoff from the driveway is going to flow directly down to the front of the property as it exists now. I propose a reasonably sized rain garden to capture the first one inch of rain flow off the impervious pavement and the house. What you see is a planting schedule that shows some wetlands species, and also there is, I did not show it on the plan originally, but I have a wetland friendly, conservation area friendly grass mix I got off the New England Wetlands Plants, Inc. website which was also recommended by a soil scientist I now. I have that here, the exact mix of grasses that are going to be used for all the areas that are going to be disturbed around the house. Normally we don’t use a grass land mix inside the rain garden, we have a mulch area inside so we won’t be using that in the rain garden, but all the disturbed areas on the site, the site has a disturbed area of about seven thousand square feet, again this will be corrected disturbed area with the grass land mix. The site will be served by water and sewer which is out in the street. We have had a review from the DOT on this site and we just have some minor issues of note and basically they want to see their own trenched detail for the repair of the trench that is going to cross the highway. In the plant mix itself, I believe I had fourteen spotted albert trees in there, I meant to have four, there is a typo and I didn’t notice it until after I turned it in. But I want to reduce the number of albert trees there in the rain garden and I can also replace those with some additional blueberry bushes. The trees that are located along the north side, she wants to keep most of those there. There are some limbs that will hang over the house and she wants those trimmed off so they won’t endanger by falling on the house. I believe we can keep most of those trees there and she believes that also, so they should all be maintained. Besides that, I can entertain any questions, but I would like to hand in the sheet on the grass mix. I do have one more point which actually was not resolved until today. There is a drainage pipe that comes from the house that is to the north and as far as we know today, there is no easement for that drain pipe. It was not sure between the owners what was going to be done, but at this point the current owner of this property here wants to extend the pipe so that they don’t have an open swale in the back yard. They were going to try and have the owner reroute the pipe, but the easiest thing to do is add to the pipe where it turns in to a swale and just bring it closer to the wetlands. So this will also reduce the erosion that is occurring in that existing swale. I will have that turned in as soon as possible so you can see the design on that and it will have a little bit of erosion control on the outlet of the four inch pipe. This is basically their foundation drain which runs quite a bit because of the high ground water. I do not believe that the run gutters are tied into to this, it seems to be just the foundation drain from next door. The current owner here will not be using that drain, we will make our own drainage towards the rain garden. I believe that is all of the issues I know of at this point.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I might as well start it off. Yeah, I was going to ask about that pipe. I see where it is labeled 4" HDPE, so do you have any calculations of what is coming out of there?

Mr. Bell: I do not, but I can come up with something as far as drainage goes; I know it is an under drain.

Commissioner Bachand: Do you know if any of that can end up in that rain garden? The whole property to the north is basically draining towards this direction, to the south.

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Mr. Bell: That is correct, everything including the road and street. I do have a concern tying in to the rain garden, but I can tie it in to the rain garden also.

Commissioner Bachand: No, I don’t want you to tie it in to the rain garden. I don’t want the rain garden to be overwhelmed.

Mr. Bell: Exactly, yeah. It is an existing flow going toward the wetlands now. I think the most important thing is getting a pipe in and actually controlling the erosion that is there now. I think with a, you know some small stone, like a rip-rap apron.

Commissioner Bachand: I have a follow up question. In the rain garden, you said it is designed to accommodate a one inch storm event from the driveway, the impervious of the drive way and the roof. But it is also being called a foundation drain and you refer to drains under the house, a crawl space drain, draining out. Has any of that been accounted for? Because that, I would think fill that rain garden and keep it full if it is as bad as what you eluded to.

Mr. Bell: It is going to keep it full most of the year and overflow during the spring time and the winter. I have accommodated for that in the design of the rain garden. It is a small, steady trickle flow, it is not a heavy flow because it is just an underdrain flow.

Commissioner Bachand: So the footprint of the house underground and the footprint of the house, the roof and the driveway will all be accommodated.

Mr. Bell: Yes, please recall, we are not going a full basement, so it’s, around this time of year we are going to get a good steady flow out of it, but as soon as it starts drying out, the groundwater is going to drop I would imagine at least a couple of feet and then probably it will be dry most of the summer.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: In lieu of it, I understand that a rain garden is not even required in a residential construction, by our regulations. Is that correct?

E. Hinckley: Yes.

Commissioner Paskewich: So is this an extra accommodating storm water or was any of the piping going to extend to the storm water sewer.

Mr. Bell: No, there is not storm water sewer out there and the intention was to do something with it as per your regulations. I have not been to Newington Inland Wetlands at all, but most of the inland wetland commissions I go to would like to see that one inch taken care of. I have been doing that quite a bit since the DEEP came out with their storm water manual back in 2002. Obviously, an underground infiltration unit is not going to work there, so the only thing we would do is a rain garden.

Commissioner Paskewich: So there weren’t any alternatives anyway.

Mr. Bell: There are alternatives, but this is the best one. Again, trying to construct a dry swale, it would have to be enormous just to be above the ground water and this I think is probably the best thing we can do besides overflowing to a storm water system. It is a very flat lot.

Commissioner Paskewich: You mentioned it has a high water table there.

Mr. Bell: Yes.

Commissioner Paskewich: If you know, is it clay?

Mr. Bell: I do not know. I could find that out for you.

Commissioner Paskewich: That’s not necessary.

Mr. Bell: By the time I started my job, the ground was frozen.

Commissioner Paskewich: Typically, in Newington we have a Berlin soil series that is a bar of clay and its pretty dominant and causing high water table in this area. Ok, well thank you.
Mr. Bell: Also, this is getting pretty close to the low point at the road. It is a perfect storm for ground water conditions on the site. I think it is a good idea that they didn’t even think about doing a basement. That was one of the first things I suggested that they really didn’t need that.

Commissioner Paskewich: Has our engineering department worked with you on the sizing of the rain garden and flows?

Mr. Bell: It was suggested that I bring the calculation with me on how I sized it and I looked in the file when I got here, and it wasn’t in there. I apologize for that, but I can get quickly get that to the town engineer.

E. Hinckley: Ok.

Mr. Bell: It is basically designed on one inch of about 3,600 s.f., and that is about 290 cubic feet and that is going to be approximately a foot deep in the middle. It is a parabolic shaped type cross section so that should handle it quite readily. I made it nice and long, I like a long rain garden, so when they exit the waters, it is just a sheet flow.

Chairman Zelek: Can you point out for me the wetlands boundary.

Mr. Bell: Yes, sir. [pointing to area on map]

Chairman Zelek: Thank you. Now can you point out the property boundary.

Mr. Bell: It begins about two feet away. This was picked up by, this was on the agents survey map.

Chairman Zelek: How is that the wetland boundary borders the property line?

E. Hinckley: That is from town mapping and town mapping was developed back in the 70’s originally off aerial typography, etc., etc. I don’t know how this ended up getting cut out so symmetrical a lot line.

Chairman Zelek: Possibly filled before the mapping was done?

E. Hinckley: Yes, more than likely, because it was all part of the original farm in the area.

Chairman Zelek: So, I am hearing that there is a high water table, is there any possibility that the wetlands map is not accurate and that there is actually wetlands on the property.

E. Hinckley: I don’t know, we would have to get a soil scientist out there.

Mr. Bell: I would just like to remind the commission that it is all a mowed lawn right from the property edge right to where the pines are. There is a little bit it of maybe meadow grass in the northern corner. This is the exact survey, I didn’t transpose it for my plan, this is the exact survey from three years ago.

Chairman Zelek: I do want to voice a concern. On two sides you are bordered by a preservation area and I don’t see any information in your packet regarding environmental impact. Since it is a preservation area for the Town of Newington, and we have an abutting wetlands, I would like to see an environmental impact assessment done by the town.

E. Hinckley: By the town? You want to get a report from the applicant on it.

Chairman Zelek: I would like an expert to give us an opinion on this application and its impact on the preservation and wetland areas and I would like that to be done by the town and not by the applicant. It is on the town's behalf, because this is the town's property that we are trying to preserve.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: I just have a question Chairman Zelek. For myself, what adverse impacts are we considering? Potential.
Chairman Zelek: Possibly lawn treatments, runoff from the driveway or from the house. Again, any type of environmental impact may have a negative impact on the preservation area. And also possible suggestions for improvements to the plan to protect the wetlands. It appears as though there is going to be a lawn area that is right up against the property line, which is also the wetland border on this drawing.

Mr. Bell: There is also about 400 feet of state road that is draining towards the site as well. Compared to the state pavement and what we are putting in, they have no protection on theirs and we are providing some filtration for what we are doing.

Chairman Zelek: I've expressed my concern to the commission and it is up to the commission to come to some sort of consensus as to whether or not they believe an expert is needed, so I will let them discuss. Commissioner Bachand.

Commissioner Bachand: All things considered, the couple of points you brought up, especially the bordering of the preserved area, I don’t think it is asking too much or overly burdensome. This is pretty unique, the vast majority of the property is in the upland review area and the property line being right on the wetland line. I did have one other question for the applicant. I think I know the answer, but is the raingarden overflows, it goes directly into the wetland there.

Mr. Bell: That is correct.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: I am looking at the left side of the plan and the line of the Eddy Farm Preservation...

Chairman Zelek: Commissioner Paskewich can you please make sure your mic is on.

Commissioner Paskewich: I am looking at the left side of the property regarding potential flows that may enter Eddy Farm Preservation and I am also looking at the topos. Is the slope, I’m not accurately looking at this completely, but is the slope from the property line going down toward the house.

Mr. Bell: Yes.

E. Hinckley: Yes.

Commissioner Paskewich: In a pitch, what would that be roughly?

Mr. Bell: Eight feet.

E. Hinckley: It is dropping eight feet in 300 feet.

Commissioner Paskewich: So it is a continual slope back away from the preservation area, starting where?

Commissioner Bachand: It is at a 45-degree angle so it is flowing back in to the wetland the whole time.

Commissioner Paskewich: I’m sorry.

Commissioner Bachand: None of it would end up in the street, in other words. It will be flowing on an angle, a 45 degree angle from northwest to southeast.

Commissioner Paskewich: Away from the preservation area.

Commissioner Bachand: No, this is preservation, I believe this is preservation area.

Commissioner Paskewich: I’m looking at the left side.

E. Hinckley: Right Alan, it is also...

Mr. Bell: This is the preservation area here.
Mr. Bell: When you go out there, I think the topo on the preservation area isn’t really shown here, they pretty much stop at the property line. It is almost like a swale area that is right along that wetland limit line and it goes and it flows towards the street. Basically, the water, I don’t want to get too far away from the mic, the water comes down this way and will hit what is now a rain garden area, go through that and circle around and come back this way. It doesn’t flow this way, it comes, all the topos come down this way.

Chairman Zelek: Do any of the…

Mr. Bell: So the raingarden, what that does is protect the … what is not protected right now. All the flow is towards that corner near the street and comes basically down the road.

Chairman Zelek: Do any of the commissioners have any need to visit the site to understand the typology. Commissioner Paskewich.

Commissioner Paskewich: I would like to visit the site to get a clearer view of the actual typography visually.

Commissioner Casasanta: I would like to visit also Mr. Chairman.

Chairman Zelek: Commissioner Bachand, excuse me, Commissioner Casasanta. Just speak in to your mic.

Commissioner Casasanta: Sure. Yes, I would like to visit the site also Mr. Chairman.

Chairman Zelek: Ok, Erik, if you can arrange a site visit for the commissioners.

E. Hinckley: Yeah, I can do that. We just do not want to have a quorum on site at any time, so I will take you out in twos.

Chairman Zelek: There are two commissioners interested, so if you could arrange that for them.

Mr. Bell: Mr. Chairman, I would like to say that normally I would take a lot of pictures to show the typography, it is such a heavy brush there that you can’t see what is going on until you walk in to the brush and see how the typography is there.

Chairman Zelek: Ok, so the area is heavily brushed today.

Mr. Bell: Yes.

Chairman Zelek: And it is going to be disturbed right, so that brush is going to be removed.

Mr. Bell: No, the brush is on the adjacent property. On the conservation property. There is no brush on this property, from what I can see.

Chairman Zelek: Right, but I think the commissioners want to go out and visit the site that doesn’t have the brush so that they can understand the typography.

Mr. Bell: I think if you stand on the property line, you will be able to see it quite clearly.

Chairman Zelek: Thank you. Commissioner Casasanta.

Commissioner Casasanta: Getting back to your original question, I would be in favor of an environmental review of the potential impacts to the preservation easement. Again, because the groundwater table is so close to the surface. I have the same concerns you have because the development actually abuts the wetlands.

Chairman Zelek: Any other comments from the commissioners regarding that? Commissioner Clark.
Commissioner Clark: I share your concerns and I think that the site visit by small groups would make it clear to us what is going on there.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: Thank you Mr. Chairman. My main concern would for the expert is could that raingarden be easily overpowered? You have the foundation drain going in, you explained how the groundwater sheet flow is going as far as the hydrology and his calculations. That would concern me because it looks undersized based on its volume, the surface flow going in to that one location.

Mr. Bell: I must add to that sir, that a one inch of rain fall is a pretty small storm. All the storms larger than that are going to over power it. The main object here in this rain garden, besides cleansing the water before gets to the wetlands, is to do some detention. I would rather make the garden longer so we wouldn't have as much of a concern about erosion, eventually, with larger storms. That always seems to be the problem with some of the dry swales, the detention, not ponds as much, but rain gardens, how do you distribute water through them. It is going to have larger storm events, and the concern is, once you have stronger plant growth, it can withstand those larger. It is most critical those first couple years of growth. I agree with the Commissioner’s concern; however, you can only put so much raingarden in.

Chairman Zelek: Also, is this also a potential source of hydration for the wetland that we don’t want to prevent. So, I think we should leave it up to the experts to decide what is the best plan for that raingarden and let them tell us whether or not it is an inhibitant to the hydration or if it is actually a benefit to the wetlands. Commissioner Paskewich.

Commissioner Paskewich: Expanding on Commissioner Sadil’s point about the drain, if I can expand on it a little bit. Is it possible that the drain can be split and have two drains?

Mr. Bell: In this case, yes it is, I have done that before, at this point I would just make it longer, make it bigger.

Commissioner Paskewich: I am thinking out loud. Two drains and two rain gardens.

Mr. Bell: You still are just splitting the flow...

Commissioner Paskewich: To protect the overburden that may occur over the one inch storm.

Mr. Bell: I am talking about doubling the area and making it….I’m not arguing against your point, its just...

Commissioner Paskewich: I’m not an engineer, I am just speaking out loud.

Mr. Bell: I’ve split the flow before on lots where they have two different drainage areas for two different rain gardens, and sometimes three. The trouble is with this, I am draining all to one point, so either I put one big one in or I put two smaller ones in. It is still the same effect. The trouble with this also is, once you get to the middle of the lot, I am not draining towards the wetlands anymore, the wetlands are a little bit higher. You will see when you are out there. It is all going to come down to the same point. I could put two in if it please the commission.

Commissioner Paskewich: Well, what I am thinking is…you are talking about the placement.

Mr. Bell: I could double the size, in other words, or two different ones, or double the initial one.

Commissioner Paskewich: I’m thinking that would be a better management practice for the future. All the precipitation coming about.

Mr. Bell: Well, we can get back to the question of what we are going to do with the four inch drain. I can double the size and get it closer to that four-inch drain that is out there.

Chairman Zelek: Again, I want to caution the commissioners, we are not engineers and solutions here, that is up to the experts as to whether or not they are going to work.

Commissioner Paskewich: I am just working on the question that was posed.
Chairman Zelek: Sure. Commissioner Clark.

Commissioner Clark: What vegetation is on the property right now, besides the raingarden and what does the homeowner expect to have? One hundred percent lawn, for example.

Mr. Bell: Pretty much 100% lawn. Beside the trees along the north side, the rain garden will take away some of the lawn. I haven’t asked them if they are planting a garden, I haven’t asked them that. I did a house for them several years ago and I understand that they had quite a garden. They own a delicatessen.

Chairman Zelek: Question. The New England Wetland plant schedule you gave us. What it that for?

Mr. Bell: That is the grass mixture for around the house. All the areas that are disturbed. That is entirely in the 100-foot section of that area. That will be around the house and around the driveway.

Chairman Zelek: Basically, this turns in to a lawn mixture.

Mr. Bell: Yes.

Chairman Zelek: I would imagine though, I have seen things in here like Black Eyed Susie’s, and Milkweed and all of that will be mowed down, right, if this is a lawn area.

Mr. Bell: Right. That is the intention for this mix from what I get from the site, the New England Wetlands Plant site.

Chairman Zelek: Ok. Any other questions or comments from the commissioners? Commissioner Bachand.

Commissioner Bachand: Back to that drain coming from the north property. It is a four-inch line. You have a four-inch line accommodating your entire impervious area here, I am just concerned that that drain could be handling the same amount, in other words you are doubling that flow and you plan on channelizing it or piping it directly to the property line, or just swaling it? It says that there is a swale there now.

Mr. Bell: The four-inch line coming from our proposed house is just for the crawl space foundation drain, not for the impervious areas.

Commissioner Bachand: So that is just going to sheet flow in to the...

Mr. Bell: Yes, that is correct. But then...oh, I’m sorry, go ahead.

Commissioner Bachand: What I am saying is that this four-inch line, you said there is not right of way or no easement, what is the incentive to bring that water across.

Mr. Bell: Like I said, we have been going around in circles. So today the owner said, I think the best thing to do, because I don’t want that swale to keep eroding on this and they were going to work with the neighbor and they said, well, can’t we just pipe it, get rid of the swale and just protect the wetlands and I said that is a good idea.

Commissioner Bachand: So there is not limit. We don’t know what the neighbor is putting in to that. He can put a catch basin in his yard and drain the entire property in there.

Mr. Bell: I guess, I don’t know. I can’t answer that.

Commissioner Bachand: That is what I am concerned about. It could be more water then you are accommodating for yourself here.
Mr. Bell: I’ve only, from my investigation I believe it is only the foundation drain, but that’s, we are trying to find out the legal aspect of the easement first and then... I will try to get this resolved before the next meeting. It is an open issue sir, I want to get all the facts.

Commissioner Bachand: You mentioned an easement, but...

Mr. Bell: We don’t know if there is one. I don’t believe there is from what I have looked, and now I can’t get answers from the lawyer so I told the owner I will research on the existing maps that are listed on the survey and also on the deeds to see if there is any easement and then contact the lawyer.

E. Hinckley: I have not seen any easements on any maps or plot plans in that area.

Mr. Bell: I have not either. I really don’t believe there is one.

E. Hinckley: I’m just throwing this out there. Is there an option to cut the pipe back to the property line?

Mr. Bell: Well, I have been in this...let me just back up for a second. I have been in this situation before with a drainage pipe going across the property where I was on the side of the....

E. Hinckley: The other side.

Mr. Bell: The other person that was draining, and they did not have a legal right to drain and the contractor who was developing the site says I am cutting off your pipe and of course he didn’t tell them that and they were away and they flooded the basement and he couldn’t sue him because it was his legal right to cut him off. So, these people do have the right to cut that off if there is not easement, but they are not that kind of people, so I think they are just going to try to resolve this. And I will, again, I will to my best to try to get this resolved before the next meeting.

Chairman Zelek: Does any of this fall under the purview of the Conservation Commission or Wetlands Commission?

E. Hinckley: Not really, I mean the discharge point is actually outside of the URA. It is really a private issue. Water is getting to the wetlands eventually; it is still like it is getting recharged.

Chairman Zelek: So, I can appreciate the commissioners concerns, but it is not really, I think, germane to protecting the wetlands. Plus you can argue...

Commissioner Bachand: Well, I was just going ask, you mentioned it is outside the URA.

E. Hinckley: It appears the discharge point, by looking at the map, is outside the URA. Correct.

Commissioner Bachand: But you are planning on piping it directly, even closer to the...

E. Hinckley: I don’t think he is going to move the pipe, I think he is just going to improve the discharge point, that is my understanding.

Mr. Bell: Well, it is going through an eroded swale right now.

Commissioner Bachand: He wants to eliminate the swale and move the pipe closer to the southern property line.

Mr. Bell: No, that’s not...

E. Hinckley: No, I don’t think that is...

Commissioner Bachand: Well, short of the property line.

Mr. Bell: I mean, I am trying to do a good design here. I want to have it sheet flowing long before it gets to the property line.

Commissioner Bachand: But still, well in to the upland review area.

Mr. Bell: I don’t think it is a good idea to leave it the way it is, I really don’t.
E. Hinckley: So, bottom line is, he will come up with some answer and it will be demonstrated on
his plan, whether he pipes it 30 feet inside, or improves the swale or the discharge point, it will be shown
on his plan. That sound reasonable?

Commissioner Bachand: I'm not sure, because we don't know what is coming out of it.

Chairman Zelek: Just let the record show that most of the commissioners were nodding their
heads positively.

Mr. Bell: I will make an effort to find out what is going on sir. I understand your concern. I am
too concerned.

Chairman Zelek: Are there any other questions before we table this? Ok. We can't act on this this
evening. We have some takeaways. We are looking for an environmental impact assessment and a
review of the plan by an environmental scientist and a couple of other small takeaways and questions for
the expert. Anything else before we wrap this up?

Mr. Bell: Just one question. Your consultant that is going to the environmental...

E. Hinckley: What I will do is that we have 3 or 4 that we will contact, and just get a proposal
from, and I will be in touch once I get a proposal and we settle on something reasonable. Usually what it
is, the applicant gives us a check for that amount, we get the study done, it gives us a chance to review it
and it gets reviewed at the next meeting and I pay that fee for that study from the check the applicant has
given the town.

Mr. Bell: Did you say that the applicant is paying for this?

E. Hinckley: Yes.

Mr. Bell: Oh, I thought he said in the beginning it wasn’t. I must have misunderstood.

E. Hinckley: Basically, in our regs we can hire a consultant at the applicant’s expense.

Mr. Bell: I understand.

E. Hinckley: I’ll try and get a couple of proposals, so I am not trying to give you the $5,000
version.

Mr. Bell: Will that be completed before the next meeting or who knows?

E. Hinckley: One can only hope. Like I said, I will try and canvas the few different ones that we
use and see who can do something the soonest. I can arrange it so that when they are out there, you can
be out there as well, if you would like to be.

Mr. Bell: Ok, thank you.

E. Hinckley: When the commission does the site walk, would you like to be out there, or would
you like me to notify you?

Mr. Bell: I think that would be a good idea. Unfortunately, I have a lot of site walks to do in the
next couple of weeks. Too much activity in other towns.

E. Hinckley: Understood, I will try to get some dates and schedule accordingly.

Mr. Bell: As long as it is not next Monday, I am good.

E. Hinckley: Ok.

Chairman Zelek: Thank you. Commissioner Clark.

Commissioner Clark: I share Mr. Zelek’s questioning about the conservation mix and do you
think you can explain where it is going to be put, but could you also put that in writing, so that we can...

Mr. Bell: I have it on the plan already, I just didn’t have the mix yet.
Commissioner Clark: Ok, I think the confusion was again, why put all this in to stabilize the soil, but if it is something you are planning to cut down, is that how this usually is used.

Mr. Bell: That is what I was told, I will ask again and get a better explanation on it. This was recommended by a soil scientist that I know...

Commissioner Clark: Sure.

Mr. Bell: And they said that this was a good mix to put in the buffer area that is not a wetland and it is used in disturbed areas. I have that noted on the plan that we will use a wetland friendly mix, that is how I worded it and put it on the plan. I will get more of an explanation.

Chairman Zelek: That is why I am kind of confused like the commissioner. Normally these types of mixes are put down for that purpose to act as a buffer and preserve and buffer the area, but what we are hearing is that is it just going to be mowed down eventually and turned in to a lawn. So, it is not really serving the purpose that it is intended to.

Mr. Bell: I asked, and Erik and I talked about this and he said make sure you get a mix that will be friendly to the wetlands and drains, so this is what I asked for. If there is a better mix, because I assume the people will be mowing their lawn around their house, I will find out and let you know.

Commissioner Clark: The mix is fine, but the maintenance of it doesn’t sound like what is happening.

Chairman Zelek: If it’s intended to grow three feet tall and act as a buffer but yet it is going to be mowed down...

Commissioner Clark: It defeats the purpose.

Chairman Zelek: It defeats the purpose, exactly.

Mr. Bell: I do not know much about this, I have to ask someone.

Chairman Zelek: Ok, so we will see you next month.

Mr. Bell: Thank you very much.

E. Hinckley: I’ll be in touch.

Chairman Zelek: Next item, we are going to move on to old business, but before I do, does anyone want to take a recess? Ok, let’s take five.

Recess.

Chairman Zelek: Ok, it is almost 8 o’clock, we will be moving on to Old Business, this is for 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.

VI. OLD 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: I believe that there were a few open items from the last meeting. Can the applicant continue their presentation for us. [EXTREMELY DIFFICULT TO HEAR — PAPERS RUSTLING]

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, a professional engineer with the firm Hallisey Pearson & Cassidy located at 630 Main Street in Cromwell. I am here tonight representing 94 Holmes Road, LLC, who is the property owner of a piece of property at 94 Holmes Road. Last month we presented our application for an addition to the existing building on this site. Just a brief overview. The first map I have up is an existing site photo. The property itself is 4.68 acres of industrial
zoned land outlined in yellow. The white rectangle is the existing building with a footprint of 16,982 s.f. There is a parking lot in the front, to the south of the building. This is Holmes Road on the left, or to the south end of the property. There is additional parking and a loading area here at the east end of the property. When we started preparing plans, it was identified that there was a wetlands per your official Town wetlands map located actually off the site. That wetlands is here, located at the northwesterly corner of the site, so although the wetlands itself is not on the property, the red line represents the upland review area from that wetlands. As presented last month, what we propose to do is add a new addition on to the westerly side of the building. The brown rectangular area is the existing building and the tan rectangular area is the new addition consisting of 10,134 s.f. We are proposing to remove the truck turnaround area that is here, so we are actually removing about 10,000 s.f. of pavement from that area. We are building a new section of parking spaces and a new truck loading area that adds about 4,800 s.f. of pavement back. The addition itself, again, is about 10,134 s.f. In addition to that, we will be improving the drainage by proposing to build a new bioretention swale along the back of the addition. This bioretention swale is designed to pick up that first inch of runoff off the new roof area for the addition. In addition to drainage for this entire area, it presently drains into a drainage system that runs through our site, but presently drains through a flared end without any control. We are looking at building another small bioretention area here, to pick up the new loading area, and building another structure consisting of a catch basin. So what will happen is that the bottom of that basin will be two feet lower than the outlet allowing some water to sit in it, infiltrate back in to the ground before it overflows through the catch basin in to the existing drainage system. So what this means is that the activity for the construction of this addition, the removal of the existing truck turnaround area and this bioretention swale will equate to activity of around 7,500 s.f. within the 100 foot of the upland review area. We have taken a look at the typography of this wetlands area and there is a low point. What happens is that water collects in this low point and some of this overflows in to a yard drain at this corner of the property, discharging through a pipe that runs along this side of the property and then eventually in to the drainage system which I described previously. There is another existing drainage swale that runs along this area, the westerly side of the building, that picks up the roof leaders for the existing building but also discharges to the yard drain. We have taken a look at the typography and we also find that at the back of the building there is a slight high point here, so from that high point the water continues to drain off, there is actually a little bit of a roll in the typography where the water is slightly higher and this area of the water actually drains down towards the truck turnaround area from the other side of the property and it actually drains in a northerly direction and there is a flared end that the water drains in to and it goes back in to the Fenwick Estates subdivision. So, presently there is no runoff from the developed area running towards that flared end and post development it will not be either. At the last meeting there was a question about if there was any clearing required for work in this back area. What I mentioned is that we are not clearing any larger diameter trees, any substantial trees, but there is some scrub shrub growth in that area. Justin Thacker, from my office, is going to hand out some photos of that back area just to give you an idea of what it looks like. There are three trees within that area that are either six to eight inches that are going to come out, but on the plans we haven’t actually identified anything that is larger. So, the first picture you see is standing at the back of the building, looking in an easterly direction. Pretty much behind the building is cleared right up to the property line. On the left hand side you can see some larger in diameter deciduous trees. Those trees are on the property line and actually on the survey we identified at this corner of the building. There is an 18 and 20 inch oak tree. I also took this picture because you can see down the corridor, there is also, to the west there, the scrub is growing in to that corridor. That is scrub and smaller diameter trees that we have to remove for the construction of the bioretention swale. The next photo is actually standing in that scrub area and what is did was I superimposed the property line right on that so you can see everything to the left there is a bunch of larger diameter trees that will remain, right in front of you there is about a six inch diameter, it looks to be some kind of oak and right beyond that there are two black cherries that are leaning over and the rest of the growth appears to be a multiflora Rosa and all that needs to be removed for the construction of the bioretention swale. So I just wanted to make sure I was clear, that the larger trees along the property line, we are not taking those out, it is more of the scrub shrub and the smaller diameter deciduous trees, those three trees. At the last meeting there was also a
comment if there was anything we could do for storm water or low impact development. There was a question about this drainage swale at the westerly portion of the property line and if there was any way we could incorporate check dams and slow down the water and give it a chance to recharge back in to the ground. So the third photo you have is a photo of that drainage swale that picks up roof leaders from a portion of the building. It is a maintained swale. You can see that there is actually a little bit of water in it from the snow melt over this past weekend. We can propose, and we have identified it on the plan, is we can introduce a check dam at 50 foot intervals so it will slow down water as it accumulates in it to allow more ground water to recharge. So I believe at the last meeting that was the questions that had come up and those are offers to incorporate in to our plan and hopefully clarification of those brought up at the prior meeting. So that completes our presentation and I will answer any questions you may have.

Chairman Zelek: So what you covered will be incorporated in to the plan.

Mr. Cassidy: Correct.

Chairman Zelek: Thank you. Commissioners? Ok, seeing no...Commissioner Bachand.

Commissioner Bachand: I was just giving someone else a chance. But, just to correct the record, I believe I heard you say, I could be wrong, that the addition is going on the west side of the building of course you meant the east if you did say that. I’m not sure if you did say that or not.

Mr. Cassidy: I might have misspoke, it is the east side of the building. Correct.

Chairman Zelek: Ok, so if there are no further questions from the commissioners. Do we have conditions for this permit.

E. Hinckley: I did leave the conditions for each of you at your seats this evening.

Chairman Zelek: Are there any special conditions or are these the standard conditions.

E. Hinckley: These are the standard ten conditions.

Chairman Zelek: Kathleen, can we get a motion to issue a permit.

Secretary Clark: I move that a permit for Application 2019-01 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 watercourse as defined in Section 2.1 of these regulations.

Chairman Zelek: Did you mention the conditions?

Secretary Clark: Oh, and subject to our standard conditions 1-10.

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? It passes unanimously. The application is approved.

Mr. Cassidy: Thank you.

Chairman Zelek: Moving on to our next item appearing under Old Business is Application 2014-03, (Extension Request), Cedar Street, Sanitary Sewer Improvements, Applicant: The MDC, 55 Main Street, Hartford, CT 06142, Owners: Various.

B. Application 2014-03, (Extension Request), Cedar Street, Sanitary Sewer Improvements, Applicant: The MDC, 55 Main Street, Hartford, CT 06142, Owners: Various.
E. Hinckley: Yes, this is for the sanitary work that is currently ongoing out there. Obviously, they have run out of time and their initial five years is up, so they are requesting the standard extension, which is an additional five years. I have included a letter in your packet from the engineering representing the MDC.

Chairman Zelek: This is standard, and my understanding is when an extension is requested, by law we have to grant it.

E. Hinckley: That is correct. All the original conditions will remain in place and this will be the only extension for an additional five years and that will be on the letter I send, so they should be able to complete their work.

Chairman Zelek: So if we do grant the extension, does a new set of mylars come in with a new set of dates?

E. Hinckley: Typically no, I usually just file the letter in the file.

Chairman Zelek: I don’t see on this request the exact dates or the amount of time they are asking for the extension. So, I am assuming we are going to extend it for the maximum five years.

E. Hinckley: That is correct.

Chairman Zelek: Any questions or comments from the commissioners? Ok, seeing none, can I get a motion to extend this application for another five years.

Secretary Clark: I make a motion that we extend the Application 2014-03 for the legal 5 year limit.

Chairman Zelek: So we are actually extending the permit, not the applications, correct?

E. Hinckley: Correct.

Chairman Zelek: So, we will need to reword that.

Secretary Clark: I will reword that. I move that we extend the permit for Application 2014-03, Cedar Street Sanitary Improvements by the MDC for a 5-year period of time.

Chairman Zelek: Can I get a second.

Commissioner Manke: I second.

Chairman Zelek: Second from Commissioner Manke. Any further discussion before we go to vote? Ok, seeing none, all in favor?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? It passes unanimously. Next we move on to Public Participation on Non-Agenda Items.

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

Chairman Zelek: Seeing no members of the public are present, we move on to Communications and Reports. The first item is Vernal Pools.

VIII. COMMUNICATIONS AND REPORTS

A. Vernal Pools

Commissioner Paskewich: I do have a proposal this evening. I had a sit down discussion with Craig Minor, our Town Planner today and helped give me some guidance on dovetailing. What I am proposing is the Cromwell section of their vernal pools wetland portion as we had discussed earlier and handed out to all members of the commission from staff. You may not have them in front of you. I also want to address the regulations today for the Town of Newington Inland Wetlands Commission. Starting
with the definitions section of our regulations. On Section 2 of Definitions, I have a recommendation. 2.1 As used in these regulations and it is stated at agency box. I would like to clearly define those statements by putting in either a letter nomenclature, 1-20 or letters corresponding to same. Do you understand where I am coming from?

Chairman Zelek: I'm not quite sure.

E, Hinckley: What he is saying is that he wants to number each definition individually.

Commissioner Paskewich: There is no number and there is no letter. If you look at our conditions, there is always a number defining each.

Chairman Zelek: What would be the purpose of numbering or lettering the definitions?

Commissioner Paskewich: It breaks it down more succinctly and it is typically how it is done. We have been doing it right along with our conditions and everything else. It’s itemizing categories.

Chairman Zelek: Is that something we have done in the past in our regulations?

Commissioner Paskewich: Well, if you look on a separate page, you know, as an example. I am seeing, b, c, d, e, f, g.

Chairman Zelek: That’s part of our regs. I don’t have a set of regulations in front of me.

Commissioner Paskewich: Do you have a set?

E. Hinckley: I am looking at my set.

Commissioner Paskewich: Can you show it to him? Please?

E. Hinckley: Just so you know, the model regs don’t do what he’s asking to do, just so you know.

Commissioner Sadil: It is just basically a glossary of terms in alphabetical order.

E. Hinckley: Correct.

Chairman Zelek: So, I’m looking at some of this that you pointed out, Page 5, where it is bullets as far as significant impact, there are bullet points. I am trying to understand how if we already have definitions how just adding numbers or letters next to each one will help.

Commissioner Paskewich: It was suggested by the Town Planner. That’s all. And I looked at it and I said well it clearly divides the spaces easier between the statements. I’m not trying to make a big deal out of this.

Chairman Zelek: I’m trying to understand the amount of effort, we know, what it takes to update our regulations. Is there an expiration for a future revision of our regulations, I don’t want to have to make a special effort just to number or letter definitions.

Commissioner Clark: Is there a time frame? Can we only update them the way we just recently updated them? With a time limit and assignments? Or is it willy nilly we decide to update our regulations anytime?

E. Hinckley: You can go willy nilly, Council has to approve them as well; and as you know, it took us almost two years to do this last round, but they hadn’t been updated in ten either. So, you usually want to wait until there are changes; if there are legislative updates or a new set of model regs come out and I am told that there is a new set of regs coming out. Once we get those, and there are changes we want to incorporate, we can do it at that time, just like we did as whole, instead of doing minor things here and there. It is really whatever you guys want to do and how you feel about the issues.

Commissioner Paskewich: Ok, moving on.

Commissioner Sadil: My suggestion is that we put that in the parking lot. I wouldn’t revise just for that but if there are new regulations we can do it at that time.
Commissioner Paskewich: It is just a suggestion.
Commissioner Sadil: Put it in the parking lot until the next revision is needed.
Commissioner Paskewich: I passed out two pages that were given to me and everyone else regarding the vernal pool indicators from Cromwell. I just passed out and copied to Chairman Zelek so he can look at it while I am reading aloud this area that we are addressing. This is a ten year old document, in front of you Chairman Zelek, that was put together in Cromwell. So our Town Planner advised that I call, or we call, with approval, the Town Planner in Cromwell currently and ask him how they have been working with this with wetland permits and if there have been anything they would recommend or change now after ten year of this being in place.

Chairman Zelek: Ok, so is the Cromwell Town Planner also their inland wetland agent? Because I think those questions would probably go to the inland wetland agent.

E. Hinckley: If memory serves, is used to be, I don’t know if it still is. The Cromwell Town Planner and Inland wetland agent are the same.

Commissioner Paskewich: I can check in to that, certainly.

Chairman Zelek: By all means, feel free to have a discussion with him and let us know what you find out.

Commissioner Paskewich: Ok, I will do that. That is what have to propose this evening.

E. Hinckley: I think he wants to insert those Cromwell Regs in to our regs.

Chairman Zelek: Ok, so have all the commissioner had a chance to read these? I think we need to get fresh copies to the commissioners.

E. Hinckley: I have emailed them to you before, but I can email them again.

Chairman Zelek: If this is significant, if this is a significant update to our regulations, then of course we will do a subcommittee again and see where the will fit in to our regs. And if they do seem worthwhile, then we will put in specific vernal pool regulations. So you have my support on that one Alan.

Commissioner Paskewich: One thing I might address, seeing that this has been in place for ten years, there may be some categories of species that may have been added that aren’t on this document, in the State of Connecticut. I thought I would bring that up because in ten years things have changed; either a direct indicator or an indirect indicator. I will be looking in to that as well.

Chairman Zelek: Ok. Anything else before I move on? Moving on to Invasive Plants. Kathleen?

B. Invasive Plants

Commissioner Clark: Nothing new to report.

Chairman Zelek: Ok. It seems as though the Louis Street Sign has dropped off our Communications and Reports. We did have a communication from the Town Manager. There was a response to a request for our inland wetlands agent, or our staff I should say, that supports the Conservation Commission regarding that Louis Street sign. Can you comment on this Erik.

E. Hinckley: I don’t know if I can. Yeah, I forwarded you guys the communication I received. As I said, apparently he did get the letter, he hired an attorney and the attorney called and wanted to meet with the Town Manager which triggered her to respond with a memo that apparently she sent to that attorney and the myself, end of story, I guess.

Chairman Zelek: Well, not end of story; not end of story by any means.

E. Hinckley: My interaction apparently has ended.

Chairman Zelek: Did this attorney send the Conservation Commission any correspondence?
E. Hinckley: To the best of my knowledge, no.

Chairman Zelek: Ok, so he only spoke with the Town Manager.

E. Hinckley: Yes.

Chairman Zelek: Ok. Does the Town Manager have any jurisdiction over this commission?

E. Hinckley: No, not that I am aware of.

Chairman Zelek: Ok, thank you. You are our staff as assigned to us, are you not?

E. Hinckley: Yes.

Chairman Zelek: Ok. My opinion is that is the Town Manager is telling our staff not to do as we request, that is an infringement on our ability to communicate, which if free speech; and if an executive of this town is trying to stop this commission from exercising free speech I have a real problem with that. Commissioner Bachand.

Commissioner Bachand: It wouldn't just be free speech, there are more serious implications there. You are talking about a body that is an executive branch of the government.

Chairman Zelek: I want to make it clear, the Town Manager does not speak for this commission. Ok, any other comments before we move on. Commissioner Clark.

Commissioner Clark: I agree wholeheartedly with you.

Chairman Zelek: Thank you. Do you have something else Commissioner Clark.

Commissioner Clark: I do, I was approached by a member of the public, on two occasions, once in person and once by phone to report that trees were cut down on the property of Indian Hill Country Club. She lives in that neighborhood and I encouraged her to come this meeting, and she did not. I encouraged her to go to town council meetings. She said she approached the people who were cutting the trees down and they said they were hired by the people who were leasing the property. That is all I know about it, but is was a concern to me.

Chairman Zelek: I will comment on it as a member of the public. Because the course is currently closed, I walk my dog there and I have run in to the groundskeeper. I can tell you that a lot of the trees are diseased by insects and know what they are doing. From what I have seen it is maintenance and trying to control the spread of the disease. Erik do you have any information?

E. Hinckley: I'm not aware of anything. They do lease that from the town. I don't believe they ask permission to cut down trees, it is part of their maintenance and they are supposed to keep up with maintenance. If there are safety issues with hanging branches, dead trees, etc. I am sure they are going to take care of it.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I believe that the same lady contacted me too and she seems to be a little shy to come to a meeting I guess. I actually drove the whole perimeter and looked and I couldn't see any sign of it, but she said is was actually closer to the middle. But if you said you have seen it going on yourself. I just have one interesting side note. I believe that the oldest tree in town is up on the hill there where we used to sled down the hill. It is a big giant white oak, I would hate to see anything happen to that; it actually has lightning rods on it, so I am assuming someone in town recognized that as a very significant tree. I would love to learn more about it if Erik doesn't have something else to do someday. Just a curiosity, it's an interest to me because I am interested in trees.

Chairman Zelek: Since multiple commissioners have been approached about this Erik, would you mind reaching out to the groundskeeper at Indian Hill and get us a summary of the activities that are taking place there.

E. Hinckley: Ok.
Chairman Zelek: Thank you. Commissioner Casasanta.

Commissioner Casasanta: Just one quick comment being a formerly avid golfer and being very familiar with golf courses and golf course maintenance. Golf courses are very averse to cutting down trees, trees are a very important component to the nature of a golf course, so I would not expect that the people who are managing that golf course will be going on a big tree cutting campaign. The only reason, like I think you said, the only reason they are doing is that the trees or sick or diseased.

Chairman Zelek: Walking the course, and I have been going there several times a week. I don’t see anything malicious taking place, it all seems to be regular maintenance. But then again, I will leave it to the groundskeeper to address any concerns. Any other comments? Seeing none, 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 Clark: I second.

Chairman Zelek: All in favor?

Commissioners: Aye.

Chairman Zelek: Have a good night.

The meeting adjourned at 8:23 p.m.

Respectfully submitted,

Susan Gibbon
Recording Secretary