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
Alan Paskewich
John Bachand

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

(*These are summary minutes of the April 16, 2019 meeting.*)

Chairman Zelek: I am going to seat Commissioner Bachand for Commissioner Block. I would just like to remind the public and all the commissioners to turn off their devices or silence them so there are no interruptions during the meeting. 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)

Diane Cason, 9 Middlebrook Road: Speaking on behalf of some of the neighbors that abut Millbrook brook. Have lived at current property for 46 years. The town at one time would come in and dredge the brook, it's been at least 30 years since it was done. My husband was cleaning out some of the sediment and found 50 bags of dog waste. It is full of garbage and debris and now overflowing into our yards. Another concern I have is for the health and wellbeing of the animals around the brook. A couple years ago, I dug a trench to plant some flowers and a turtle laid 26 eggs in the trench. The Children's Museum took the eggs to incubate them; of the 26 eggs only one survived and that one was deformed, and he had not seen that before. All this junk is affecting the ecosystem.

Chairman Zelek: We will talk about this later during communications and reports.

Diane DePalma, 166 Miami Avenue: I have been living in Newington 50 years in July. Also wanted to bring up the problems with the Middlebrook Brook. The last three years it is getting worse with so much debris in the brook. I cannot have the back of my yard mowed because it is so wet. Hope that there is something that can be done. Hope you can find money somewhere to get the silt out. Thank you for letting us speak tonight.

IV. ACCEPTANCE OF MINUTES
A. Regular Meeting of February 19, 2019

Chairman Zelek: Any corrections or updates from the Commissioners?
Commissioner Paskewich: On page 6, my comment at the bottom of page, “bar” should be “varved.” On page 9, Mr. Bell’s comment should be “topography” not “typography”; Chairman Zelek’s comment should by “topology” not “typology.”

Chairman Zelek: Thank you. Any other commissioners? Seeing none, can I get a motion to accept the minutes?

Commissioner Sadil made a motion to accept the minutes, as amended, from the March 19, 2019 meeting. Seconded by Commissioner Manke. Motion passed unanimously.

V. NEW BUSINESS

None.

VI. OLD BUSINESS

A. 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.

E. Hinckley: Would you like Mr. Cole to speak first? He is the soil scientist hired to review the site.

Chairman Zelek: Mr. Cole, if you could please come forward and give your report.

Ian Cole: For the record, my name is Ian Cole, I am a soil scientist, environmental scientist. On your behalf, I visited the site and have provided you with a report. Since the writing of the report, the applicant has made some changes to his site plan, which he will address with you. On March 28, I visited the site with Erik and Mr. Bell. It is a maintained lawn area, flat lot without a lot of grade, that abuts the Eddy Farm preserve. The frontage is on a state highway. Tree removal will be very limited. The entire parcel falls within the wetland review area. I excavated along the southern property line, it has not indication of a hydric soil, but it is a well-drained soil with a high seasonal water table. The soils on the site are identified as silt loams. A lot of the short-term impact will be mitigated by the erosion control plan. It is a low erosion hazard. It is not going to be a full foundation house so less material will need to be excavated. One thing that has changed is that there will be two rain gardens. I recommended swapping out buttonbush for an elderberry and took out some of the speckled alder, which can start to act invasive if it gets in to the wetland and put in some winterberry, which is a common in wetlands. There is no regulation on how to handle storm water on the site, in a good faith effort, the applicant has addressed it. There are two pipes in the back yard, not sure of the source of them, probably roof leaders and a sump pump. There is a complication of what to do with these. In my opinion there is no impact on the wetlands from these pipes. It looks like this one pipe will be extending down closer to the wetland with a splash pad at the end. One other thing I wanted to highlight was pesticide use on the property. Unless it is written in regulations or the deed it is hard to enforce. All the street draining from 175 down to where the farm stand is and further south, all that runoff is unmitigated and that just goes right in to the wetland there - roadside salts, gutter flow for hundreds of feet are going in to the wetland. I don’t think the applicant has any impact given the size of the property. I like the rain gardens, I like the plantings, they will offer a level of protection from the sheet flow. I do have concerns to address the rain gardens because of the high seasonal water table, at certain times during the year these may not drain as well. I recommended that the seed mix be should be a contractors seed mix for residential lawns which is regular lawn turf. Do feel that the development makes reasonable use of the upland review area on the site. There is no physical encroachment of the wetlands and the short-term effects during construction will be mitigated through erosion sediment control fencing used during construction.
Commissioner Clark: I have a question about the splash pad being located right on the wetland border. Can it be moved away from there?

Mr. Cole: I don’t see any reason why it can’t stay or move back, it will de-energize the flow. This site currently is draining to the front corner and it is going to continue to drain to the front corner. This development is not adding anything additional to this flow point.

Chris Bell: There was a question about this particular pipe because we didn’t know if there was an easement or not and after doing some research there is not one. This is the flow that comes from the rain gutters from the property up on top. The pipe flows through the yard. The applicant doesn’t want to give them an easement, they want to discuss it with the neighbor. It is on the plan because we want to get approval for it. There is not a lot of water coming out of this, it is all roof water.

Chairman Zelek: We don’t need to get into any legalize. Is there any impact to the wetland from the discharge of this water.

Mr. Cole: I do not believe there is any impact. But there is no negative to moving this farther in on the property.

Mr. Bell: I don’t see any positive or negative, I was just trying to get it out of the yard so they don’t run over it with a lawn mower.

Commissioner Clark: I’m confused as to who he is talking about regarding the easement.

Mr. Bell: There is no easement.

Mr. Cole: Basically, the property owner at 757 takes their sump pump and discharges it on to this property.

Mr. Bell: The sump pump is put into this pipe here. We did not know that until we went out there and saw a hose in the pipe from their house. The plan is to cut this pipe off because the owner doesn’t want the water in their yard.

E. Hinckley: Just an FYI. These properties were owned by the same family when established in 1969, so those pipes have just been there.

Mr. Bell: When they subdivided they didn’t address the issue. The only thing running through the pipe will be roof runoff. Advised my client to allow this drainage.

Commissioner Bachand: The first question I have is for Mr. Cole. Did you say that there is no requirement to attenuate the storm water runoff from the site?

Mr. Cole: When I read the regulations I didn’t see anything that stood out to me.

E. Hinckley: LID is not required for residential lots.

Commissioner Bachand: I think this pipe thing is the worst thing for the wetland. If you block off one pipe you could have them putting sump pump in to that pipe. You don’t know what is going to drain through that pipe. I understand the property owner doesn’t want a swale in their yard. It says here “only installed by agreement.” Are you talking about an agreement with this property owner or this property owner?

Mr. Bell: I want Ian to finish his presentation because I have other things to talk about.

E. Hinckley: Does anyone have any more questions for Mr. Cole?

Commissioner Sadil: In your report, the second paragraph, when you say limiting factors for development are you talking about the rain gardens in that statement?

Mr. Cole: Yes. As a global holistic statement, a high water table is a mitigating factor for development whether for increased erosion hazard issues during construction or site drainage. The concern would be for the functionality of the rain gardens during the high seasonal water table.
Commissioner Sadil: Why isn’t the second rain garden near the swale?

Commissioner Casasanta: To address Mr. Sadil’s question about the rain garden. I walked the site with Commissioner Paskewich and Erik. The property is kind of undulating, and this seems to be a good spot to put it.

Commissioner Clark: My question is about another way you can interpret limiting factors for development. You said it is going to be a partial basement and they are going to take that into account. What are they going to do about the other people and their sump pump; are they anticipating having basement problems and also having to use a sump pump?

Mr. Bell: In answer to Ian’s recommendation and from our site walk, it was decided the best thing to do was split the rain garden to attenuate the first one inch of water flow. The 4” PVC pipe coming through here has roof leader runoff through it. This second pipe here is only used for the sump pump, and that will be capped and filled. The PVC pipe will only be installed by agreement. I changed the design of the rain gardens; I increased their size, but made them shallower. These are designed for one inch of rainfall. The main purpose of the rain gardens is to filter the water that goes in to the wetlands. Instead of one inch of rainfall, I used water quality volume to determine their sizes and increased them each by 40%, so they can handle excess water during the majority of the time. I advised the applicant to only put in a crawl space instead of a full basement because of the high water table. During a time of high ground water and during big storms, the water will overflow, there is nothing we can do about that.

Chairman Zelek: Regarding the 4” PVC, that is only going to have runoff from the roof leaders and will only be installed if the homeowner from the north agrees and will not be used for their sump pump.

Mr. Bell: Yes, that correct. It will be cutoff if they do try to use it for their sump pump.

Commissioner Paskewich: Speaking to the driveway sheet flow. Where is that flow going to be collected?

Mr. Bell: At the rain garden here.

Commissioner Paskewich: If the driveway had a curbing, it could flow towards the street.

Mr. Bell: Why would you do that, it would stop the sheet flow?

Chairman Zelek: He is talking about curbing along the driveway that would stop the sheet flow.

Mr. Bell: But why would you do that?

Commissioner Paskewich: To reduce the flow...

Commissioner Bachand: To reduce the water from going in to the rain garden.

Mr. Bell: Then that would defeat the purpose of the rain garden.

E. Hinckley: Then the water will go in to the wetlands unfiltered from the road.

Mr. Bell: The water sheet flows off the driveway in to the rain garden.

Commissioner Paskewich: If the driveway had a curbing the water could flow into a storm drain before it goes on to the street.

Mr. Bell: But the water doesn’t go to the street.

Commissioner Bachand: He is saying if there is a curb it will go to the end of the driveway.

E. Hinckley: That is a state road and I don’t know if there is a storm drain there.

Mr. Bell: But that would defeat the purpose the rain garden, the water flows and will be filtered through the lawn and the rain garden.
Commissioner Paskewich: I was out at the site the other day after the storm and from the road saw a lot of ponding water from street going inward just sitting there, never mind sheet flow from the driveway. You are going to be having water from other sources besides the driveway.

Mr. Bell: I am not using the water from the roof in this rain garden. It is only from the driveway; and the purpose of the rain garden is to filter this water across the lawn, infiltrate in to the lawn and what doesn’t infiltrate will go to the rain garden and to the wetlands.

Commissioner Paskewich: I heard someone say that this rain garden is 2-4 feet below grade. Once you reach 2 feet below grade is will not drain well during the high water table so to me it is not an effective rain garden.

Mr. Bell: When these rain gardens are installed when they hit water, they will stop. Again, this is not a catch all for the one inch of water 100% of the year. It just can’t.

Commissioner Paskewich: Driveways have petroleum and salts. Don’t feel that this rain garden is going to be effective because the salts and petroleum’s will be coming from the driveway and flowing in to the wetlands.

Mr. Bell: Which is only a half of a percent that is coming from 173.

Commissioner Paskewich: We are not talking about 173, we have no jurisdiction there.

Mr. Bell: That is correct, but you have to look at it in realistic sense.

Commissioner Paskewich: I’m not going to be speaking about the road.

Mr. Bell: Ian, what do you feel about the pollution coming off the driveway versus what the wetland is getting now.

Mr. Cole: You need to take in to consideration what the wetland is receiving now from the untreated gutter flow from Route 173. In terms of the rain gardens functions, I think you are better off having them than not having them.

Chairman Zelek: Erik, is the applicant required to have rain gardens?

E. Hinckley: No.

Chairman Zelek: So the applicant is doing this voluntarily to help attenuate the water flowing into the wetlands. Correct?

E. Hinckley: Yes, he is using the spirit of LID to help recharge the groundwater that flows throughout the site. The water drains to that corner currently anyway.

Chairman Zelek: So the low impact development design is valid in your opinion?

E. Hinckley: Yes. The calculations that Mr. Bell talked about are being reviewed by the town engineer.

Commissioner Bachand: Is there any benefit to moving the rain gardens back from the southern property line so there is room for more attenuation if it overflows before it gets in to the wetlands? Will there be a benefit to that?

Mr. Bell: I have already moved it back five feet. I have put an armor between the rain garden and the wetlands to help attenuate the overflow. I can move the garden back further, I don’t see any purpose to it though.

Commissioner Clark: I have a question regarding the water flow from the street, even though it is not our purview. Everything is flowing south, southeast, why is the water from the street flowing in the other direction?

E. Hinckley: It is rolling downhill from Cedar.
Commissioner Clark: Ok. That pondish thing that is on the other side behind the parking lot has really excellent vegetation. It has cattails instead of phragmites; it has New York ironweed instead of purple loosestrife. It has an abundance of nice plants. It’s just an observation.

Chairman Zelek: I have heard the engineer mentioned at the March 19th about the runoff coming from Route 173 that is not being mitigated, as we have heard today from the soil scientist and site engineer. The town has been put on notice, and this should be brought to the attention of the DOT that there is no mitigation to this site.

Commissioner Clark: Is permission from the DOT to put in a driveway always granted?

Mr. Bell: I have presented this to the DOT and have not heard any negative comments from them.

Commissioner Clark: OK. There won’t be a major redesign, something we haven’t heard coming from the DOT?

Mr. Bell: I don’t believe so, no. The only comment they had was that these poles have the same numbers. That was on the survey plan.

Commissioner Bachand: The shaded area on the driveway, the hatched area, is that where the slope is away from the road?

Mr. Bell: The hatched area is where the antitrack pad is going to be installed.

Commissioner Bachand: I think the rain gardens are decent, especially if they are voluntary. I still don’t like the pipe running from this property to the wetlands. It seems like any agreement would have to come before this commission.

Chairman Zelek: The agreement does not have to come before this commission, the pipe is conditional.

Commissioner Bachand: I know you said you won’t allow them to put the sump pump in there, but if they hire a contractor the first thing they will look for is a gravity drain. Don’t know what enforcement there would be to prevent that.

Mr. Bell: They use a fire hose on their sump pump. They can pick it up and move it to the side of their house. That is why it is important to get the agreement.

Commissioner Bachand: I’m not comfortable with this pipe and what will be flowing through it. How do we know what kind of an agreement they come to?

Chairman Zelek: We are issuing this permit with the understanding that is rain water coming off roof leaders, if anything else goes in to it, it is a violation of the permit and the town can take action against them.

Mr. Bell: I would very much for this commission to make that a condition of approval for this permit. That this owner cannot put sump water in to there.

Chairman Zelek: Erik, can you write up a condition for that.

Commissioner Clark: How can we do that when the neighbor to the north is not a party to this.

Chairman Zelek: Is it not the neighbor to the north, it is the applicant and they will only allow rain water to flow through that pipe. It is part of the conditions of this permit. That condition falls solely on this property owner, this applicant. Is the applicant fully aware of all of these challenges?

Mr. Bell: Yes, I have talked with her explicitly about this. They don’t want polluted water on their property or in the wetland. If they don’t come to an agreement, they have the right to cut off this pipe and make the property owner deal with his own water. I think this is the best solution.

Chairman Zelek: I am not comfortable approving a pipe going on to another property.
Mr. Bell: The pipe from 757 goes past the property line on to 765. That pipe goes past the fence in to the property.

Chairman Zelek: I just want to make sure that there is not pipe going on to the other property.

Mr. Bell: No, their pipe comes on to our property. The pipe from the upper neighbor to the north comes on to the applicant’s property.

Commissioner Clark: So, if the agreement between the neighbor and the applicant goes through, they are going to plug the sump pump pipe...

Mr. Bell: No, that is going to get cut off.

Commissioner Clark: Could you describe where and how it gets cut off?

Mr. Bell: It is here on the plan.

Commissioner Clark: It is on the applicant’s property.

Mr. Bell: It is getting cut off because the applicant doesn’t want sump pump drainage on their property or through it.

Chairman Zelek: How deep is that four-inch pipe going to be?

Mr. Bell: It is going to be maybe six inches, deep enough for a lawn mower to go over it.

Chairman: You mentioned they are gardeners; will they have any problem with that?

Mr. Bell: I imagine they will use the rain gardens.

Commissioner Bachand: I would like to see the termination of that pipe as far away from the wetland as possible, to give a little bit of attenuation.

Mr. Bell: There is an apple tree here, we can have it so it ends at the bottom of that tree. I will move that back so it is a good 8' from the property line and almost 15' from the wetlands.

E. Hinckley: I will verify that on the final plan. You can put in a splash pad and then let the water flow through the grass to the wetlands.

Chairman Zelek: I still have a concern about the use of fertilizes and pesticides so close to the wetland. Is the applicant doing anything to address those.

Mr. Bell: I think there is going to be a good covering of grass. I don’t know how to answer that. I don’t see them needing to use fertilizer on this lawn.

Chairman Zelek: Can you please let the applicant know that it was a concern raised by the wetland scientist in his report. We can’t take any action regarding fertilizers and pesticides at this time, but would like to make sure that the applicant is aware that this a concern of the commission.

Mr. Bell: I can make that a note on the plan.

Chairman Zelek: I greatly appreciate that. At a future date, I would like this commission to review the town’s policy on the use of fertilizer and pesticides, etc. near wetlands to avoid this situation and should be something for discussion.

Commissioner Clark: I would like the word herbicide to be part of that statement. Something like Roundup knows no bounds what it will kill.

Chairman Zelek: Let the record show that the applicant is shaking his head in agreement with that.

Commissioner Sadil: On you drawing here on the rain garden you say vegetated berm. Is there going to be a barrier preventing water from getting in to the rain garden?
Mr. Bell: There is a slope that goes in the rain garden and normally there is a vegetated berm but I added an armored shelf to this.

Commissioner Sadil: What does that mean?

Mr. Bell: It is two-inch stone, so when the water overflows it is not going to erode there.

Commissioner Sadil: What is going to happen to the wetland with the overflow from the rain garden?

Mr. Cole: The purpose of the rain garden is to slow the flow. I think these wetlands here are very capable of attenuating any additional input from the events that these may overflow. It is almost a moot point with all the drainage coming off from here [route 173].

Commissioner Casasanta: That is one of my concerns for the rain garden. During the spring there is going to be constant standing water. Will the seed mix be able to withstand that?

Mr. Bell: There is no seed mix in here, it is mulch.

Mr. Cole: The vegetation in here is also found in the wetland proper, there will also be mulch in the rain garden. There is no seed mix.

Commissioner Clark: Did you say mulch? How is the mulch likely to withstand the exposure?

Mr. Bell: What else would you put there? It stores moisture and is needed during the dry season.

Mr. Cole: It is a common design practice to use mulch in rain gardens.

Commissioner Bachand: For our own education, you mentioned the depth of the rain garden. Do you go down two feet and use sand and crushed stone?

Mr. Bell: Yes, you need it to filter the water, you don’t want to have clay.

Commissioner Sadil: What type of maintenance is required from the homeowner for these gardens? Your plantings will be in there, will there be additional maintenance?

Mr. Cole: Rain gardens generally speaking are almost no maintenance. They basically become naturalized over time. I would envision in ten years you come out here you will think that the wetlands come to here. I have seen mulch in other rain gardens. Some people actively garden in them by adding perennials or herbs.

Chairman Zelek: Ok, so if there are no further questions from the commissioners. Erik, is the application complete?

E. Hinckley: Yes.

Chairman Zelek: Are there any special conditions?

E. Hinckley: I have a condition that I will read to you if you like. [Erik read several versions, a discussion was held and the final version is below.]

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

Secretary Clark: I move that a permit for Application 2019-02 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 and subject to our standard conditions 1-10 and the following:

E. Hinckley: Condition A: Prior to the expiration of this permit a copy of the private agreement with the northerly neighbor (757 Willard Avenue) shall be provided to the wetland agent. The agreement shall state that the discharge from the north shall contain roof leader water only; no sump water shall be discharged through the pipe onto this property (765 Willard Avenue).

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. Bell: Thank you. I would like to thank the commission personally for their diligence in understanding the drainage issues, it is very complicated. Thank you very much. I think we may have prevented a possible law suit.

Commissioner Clark: I would also like to thank Mr. Cole for his presentation and providing us photos which is made it much clearer what is going on.

Chairman Zelek: I would also like to thank the commissioners and Erik for their site visit and input.

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. We will add one item, a discussion about Millbrook Brook. The first item is Vernal Pools.

VIII. COMMUNICATIONS AND REPORTS

A. Vernal Pools

Commissioner Paskewich: I have been trying to get ahold of someone at DEEP to determine whether or not the specifics of the Cromwell regulations indicating the amphibian species have changed or not. I'm also trying get ahold of Darcy Wynters.

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. Next is Indian Hill Country Club trees.

C. Indian Hill CC Trees

Chairman Zelek: Erik, you have had some communications with them.

E. Hinckley: Yes, This came up at the last meeting and I forwarded a couple of emails, first his report about the 330-scutch pines and then he sent an additional email about historic trees. The email states that they recognize that they have historic trees on the property, an example being the 100-year-old oak tree on the fourth hole that has lightning protection. Many of the trees on the property have been crowded out by letting the scotch pines take over. As the pines die from diplodia blight they are able to see the trees and highlight them. USGA refers to them as specimen trees. He is also open to any assistance available regarding identifying and treating invasive plants on the property.

Chairman Zelek: Kathleen, do we have anything for the public that will help them identify invasives?

Commissioner Clark: There are many brochures, I might even have some at home, but UConn can be very helpful. I think that this is super interesting, we are always saying let’s do something with invasives and it can be overwhelming, but I think a golf course could be a pretty accessible area, especially since they are reaching out regarding identifying invasive plants, it might be a part of the pie we can take a look at. I’m sure there are super obvious ones and maybe some obscure ones.

E. Hinckley: I know that there are some phragmites out there. If you want, I can put you in touch with the groundskeeper, Mr. Weston.
Commissioner Clark: Ok, that sounds wonderful.

E. Hinckley: Another thing that came up was the posting of the trees that needed to be removed because they are on town property. Me personally, I would say yes. I ran that up the flagpole and I received a response from the town engineer stating that Bill DeMaio researched the state statutes and that only trees on the town right-of-way needs to be posted. Trees in parks and on town property do not need to be posted. Golf course trees do not need to be posted. Personally, I find that answer short and flip. I read the statutes and do not interpret them that way.

Commissioner Bachand: They posted all the trees the were removing at the golf course in Hartford.

E. Hinckley: They posted the trees they were cutting down for the town hall. I’m not in charge of the tree warden.

Chairman Zelek: Did you get that from Bill or the town engineer?

E. Hinckley: I got it from the town engineer.

Chairman Zelek: I would like to get the response directly from the tree warden or the person who is in charge of the tree warden, not an interpretation of the response from the town engineer.

Commissioner Clark: This is state statute?

E. Hinckley: Yes. It is CT general statute 23-59, power and duties of tree wardens. I’m not trying to get involved. This was the answer I received.

Chairman Zelek: The came up because of the concern from a member of the public. If you could get an opinion from Ben on this.

Commissioner Bachand: Is there an obligation to post something on dead trees?

E. Hinckley: Again, I’m not the tree warden, I don’t know that.

Chairman Zelek: Let’s move on to the concern from the public regarding Middlebook brook.

E. Hinckley: The maintenance of brooks in town has not been done in many years. The brook is clogged, and there is silt build up. I was out there along with the town engineer and highway superintendent. The question came up that the town wanted to hire a contractor to do this work under the general permit, which states the work will be done by town, not a contractor. It is how you want to interpret it. I believe they want to hire Stamm Construction because they have done this type of work in the past. They wanted me to bring this question to you to see if you would allow the use of general permit one for work by a contractor or will they require an additional permit.

Commissioner Bachand: Has the culvert been checked to make sure that wasn’t restricting the flow?

E. Hinckley: Yes, There is a lot of silt in there. They have kind of an ox bow behind their house. There is a lot of junk in there. Lots of people who live along brooks just dump their yard clippings, etc. in to it; it an unfortunate thing.

Commissioner Bachand: If they are going to do this work, I would strongly have them look at Mill Brook 300 yards north of Dowd, there is a wicked ox bow in there.

E. Hinckley: That is part of the states work that they are trying to pass off to the town.

Commissioner Bachand: I think that would help alleviate the flooding at Dowd and Main.

Commissioner Clark: People who are irresponsible are going to throw in stuff; thinking that some of those people are just uninformed. Wondering if we could do some sort of press release or article about the fact we are listening to the public, that the problem exists, and the town is trying to do something
about it and that homeowners can too by not throwing stuff in the brook and keeping an eye out for people that do.

Chairman Zelek: This can be part of public awareness, we can publish something to let them know this work is going to take place and the quantities of debris that is being thrown in there, it costs the town money [to clean it up].

E. Hinckley: I can inquire about doing a press release, they probably wouldn’t do a mailer. The best case scenario would be to post something on the web site and maybe some kind of press release.

Commissioner Clark: Wouldn’t one of our local reporters be interested in doing an article about this? That there are upset homeowners.

E. Hinckley: Possibly.

Commissioner Bachand: So, back to the question about the general permit. I know Stamm Construction and I trust them. How much is the job going to cost?

E. Hinckley: At this point in time there is not money to do the work. I’m told that they are going to try and get some. Technically there isn’t any money earmarked for it; there is an account. I have no idea what Stamm will charge.

Commissioner Bachand: I think that will make a difference on how we move on that, it the town were doing the maintenance...

Chairman Zelek: But the town is not doing it at all. The permit is issued for maintenance to be done; it doesn’t say by who. I am fine with a contractor doing it, the homeowners need some sort of relief; so all in favor of letting a contacator through the town do this. I see heads nodding in agreement.

Commissioner Casasanta: I read the general permit one, it says it gives the town authority to do this work, it doesn’t say the town employees has to do the work themselves and I don’t see any reason why the town can’t contract it out.

Chairman Zelek: What department does this fall under?

E. Hinckley: Typically is it the highway department, or parks department, depending on who has the time. That is a great segue in to part 2 of the general permit. There was an email chain earlier in the month about replacing some benches at Mill Pond. I am relaying this message. It was requested that they use the general permit one to replace the benches as maintenance. Part of the emphasis on that is Mr. DeMaio is selling memorial benches, the more he sells, the more he can put out around the pond. My guess would be no, but I will ask.

Commissioner Clark: I’m not just going to say no again. Back before when Mr. DeMaio wanted to cut things down, we said no and we limited it, I see some things cut down, I don’t know if they were dead. I also identified a patch of red twig dogwood...

E. Hinckley: That is staying.

Commissioner Clark: I wondered where we are with that and see the selling of these benches to cut more stuff down because you don’t want to put a bench in front of a bush. I would like to know how those things tie in and I don’t think that is an appropriate use of general permit one. I think that is opening a slippery slope as to using that for almost anything and an excuse to cut down more vegetation.

E. Hinckley: I was out there is later February and we hand marked things we could cut down. They were all about saving the red twig dogwood. They wanted to take out a much larger area for the lantern festival but I said no.

Commissioner Paskewich: Speaking to what Commissioner Clark said about tree stumps; I was at the Mill Pond about a year ago and there were resident beavers, they might have done that to the trees.

Commissioner Clark: Just another observation; the geese population is way, way down.
E. Hinckley: They are using measures out there that are not harmful to the geese.

Commissioner Clark: Anita Schaefer and I are participating in the breeding bird survey spring census and we are regularly walking in Mill and Churchill and the area behind New Meadow school getting a good handle of what is living and thriving there.

E. Hinckley: Further discussion regarding the benches, they will be put on concrete pads, not via general permit one. Would you want an agent approval or, it it’s in the wetlands to come before the commission.

Chairman Zelek: I think we would like to see a plan of what they propose to put in.

Commissioner Bachand: I was going to say yes to general permit one if it was like and kind, but if they are selling benches, I am worried about, they have to have a limit on it.

E. Hinckley: I said to them if they want to sell 10 benches, put it on a plan and we can approve it all on one plan.

Commissioner Bachand: I sent an email to the Chairman and Erik regarding the boom at Mill Pond at the bridge at the south end.

E. Hinckley: I could find no documentation regarding that boom through the permitting process. One side has broken off and parks will be removing it.

Commissioner Bachand: Removing it completely? I thought it was essential for keeping the trash out.

E. Hinckley: The town engineer and parks supervisor talked about. It has been there for a long time, maybe since they dredged. I can’t find anything that it is required to be there.

Chairman Zelek: I want to remind the commission that this Saturday is Earth Day and there is a town wide cleanup.

Commissioner Clark: It is on April 27th. I have an email to read from Deb Krawiec regarding the litter pick up event (attached hereto).

Chairman Zelek: I have one last item regarding 550 Cedar Street. They came in October 2nd and it has been over 6 months. As part of their conditions, they have to provide us with plans for my signature. They have not brought us anything and I asked Erik to let them know that their application is null and void. Erik brought to my attention that there are also a couple of other properties in violation of condition 3 and he is going to send them notices to them as well.

Commissioner Sadil: What is that status then? Do they have to come back?

E. Hinckley: They will probably argue that they are in litigation with TPZ. Basically the letter says for them to go forward they will need to submit a new application. My guess it will get challenged. The other applications in violation are 49 Fenn Road, Dr. Cali; and the subdivision on Meadow Street, which is actually nearly complete (the process). There are a couple of comments on each from engineering.

Commissioner Bachand: The map amendment on 550 stands?

E. Hinckley: The map amendment stands; they have yet to file a map. There is no time limit to file the map.

Chairman Zelek: Should we remind them that we are waiting on the map?

E. Hinckley: I have in the past, and was told they want to file it all in one package. We approved the map amendment, it doesn’t say they have to file a map. I have already updated the Town’s GIS.
IX. ADJOURNMENT

Commissioner Sadil: I make a motion we adjourn.
Commissioner Manke: I second.
Chairman Zelek: All in favor?
Commissioners: Aye.
Chairman Zelek: Have a good night.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

[Signature]
Susan Gibbon
Recording Secretary
Thank you. Great appreciated! Deb

Hi Deb

I will remind commissioners of the event again at this evenings meeting and encourage participation

Thanks

Jeff

Hi Jeff,

Michael Fox and I had planned on stopping by to remind the commission about the Litter Pick up event, happening on Sat, April 27th at 9:00. I had mentioned this to Kathy Clark. However, it appears that we both now cannot attend. I have attached to this email the litter pick-up flyer as a reminder for your commissioners.

Please note that the logo on this poster is from our "logo" winner from last years poster contest. A new logo will be on the flyer for next year.

We once again look forward to the Conservation Commissioners participation as team leads. Please confirm how many commissioners will be present. We will have plenty of bags and gloves on hand, so all should go well. We will know the sites we are going to go to on the day of the event - and we will also inform the commissioners where to leave the garbage bags.

The set up of the event is as follows:

9:00: All volunteers sign in and waivers are signed
(maybe coffee is going to be served. I believe Gail is checking to see if the Mayor is bringing coffee again.)

9:15 - 9:30 or so: Mayor to announce winners of the poster contests. School children are acknowledged with receiving ribbons. We will move through this quickly, and only have one group photo with all school winners after all are announced. (Mayor also announces business that are displaying their Pride in Newington posters. These posters are posters given to businesses that have come forward to state that they value a litter free business property. We have five businesses so far! Is a start)

9:30 or so: Teams break up and go forward to pick-up litter. Tee shirts are given to team leads and 1st place winners of poster contest.. with left over tee shirts.. we will do our best to disperse to other volunteers. Having these tee shirts worn brings visibility to our efforts. Residents respond. Our tee shirts say: "Think before you toss!"

Team captains check in with EQC on progress and needs. EQC go out themselves to pick up litter after cleaning up the meeting place area.

Event officially ends at 1:00

I think that is everything... If you have any questions or I missed something, please let me know!

Deb
LITTER PICK-UP EVENT
IN OBSERVANCE OF EARTH DAY

DATE: Saturday, April 27th
TIME: 9:00 AM
LOCATION: Churchill Park

• Volunteers to gather at Churchill Park parking lot
  • Litter pick-up sites will be assigned
  • Children under 12 must be accompanied by an adult

Sponsored by The Newington Environmental Quality Commission in partnership with the Conservation Commission

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