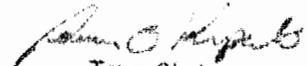


TOWN OF NEWINGTON
CONSERVATION COMMISSION
MEETING MINUTES

June 21, 2022

RECEIVED FOR RECORD
IN NEWINGTON, CT

2022 JUN 28 AM 11:18


Town Clerk

This meeting was presented as a Zoom Webinar/Hybrid Meeting

I. CALL TO ORDER

Vice Chairman Wagner: Welcome to the Newington Conservation Commission meeting for June 21, 2022. I'll call to order at 7:01 p.m. Point of order, Bernadette Conway is a commissioner. And also welcome Kelly deHaas as our new commissioner.

Mr. Hinckley: Commissioner Wagner, you do have to seat Bernadette for one of the commissioners.

Vice Chairman Wagner: I'll seat Commissioner Conway for missing Commissioner Sadil. Ms. Gibbon can you call roll?

II. ROLL CALL

Ben Ancona III *(via Zoom arrived at 7:10)*

John Bachand *(via Zoom)*

Bernadette Conway *(via Zoom)*

Kelly deHaas

Jeff Wagner

Also present:

Erik Hinckley, Inland Wetland Agent

Renata Bertotti, Town Planner

Susan Gibbon, Recording Secretary *(via Zoom)*

Councilor Budrejko, Town Council Liaison

Councilor Radda, Town Council Liaison *(via Zoom)*

Vice Chairman Wagner: Moving on to Section III, Public Participation.

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

Vice Chairman Wagner: Do we have anyone on the line?

Mr. Hinckley: There is no one in the room Mr. Chairman.

Vice Chairman Wagner: Ok. Moving on to section IV, Acceptance of Minutes.

IV. ACCEPTANCE OF MINUTES

A. Acceptance Of Minutes: May 17, 2022 Regular Meeting

Vice Chairman Wagner: Is there any additions or corrections from the commissioners. Do any of the commissioner have any additions or corrections to the minutes from May 17, 2022?

Commissioner Conway: I move to accept the minutes of the meeting.

Vice Chairman Wagner: Ok, can I get a second?

Commissioner Bachand: I'll second. Commissioner Bachand.

Vice Chairman Wagner: We have a second from Kelly deHaas. I move for acceptance of the minutes. Next is going to be...

Mr. Hinckley: You need to vote on it.

Vice Chairman Wagner: We're going to vote on it. All right, so let's have a vote for acceptance of the minutes from May 17, 2022 regular meeting. Ms. Gibbon, please call the roll.

Ms. Gibbon: Ben Ancona. Commissioner Ancona? Commissioner Bachand.

Commissioner Bachand: Yes.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

Ms. Gibbon: Commissioner deHaas.

Commissioner deHaas: Yes.

Ms. Gibbon: Vice Chairman Wagner.

Vice Chairman Wagner: Yes.

Ms. Gibbon: Commissioner Ancona?

Mr. Hinckley: He's not present that I can see.

Ms. Gibbon: Ok.

Vice Chairman Wagner: We're going to move onto New Business. Application #2022-14: Modification To Application 2017-06 To Relocate An Inground Pool At 98 Carriage Hill Drive. Applicant/Owner/Contact: Joanna Breault.

V. NEW BUSINESS

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

Mr. Hinckley: If I may Mr. Chairman to give you a brief introduction. This application was approved in 2017. This was what was approved, the applicant has come forward with the... they're moving the location of the pool, something like this now, they're turning it 90 degrees and they also had a soil scientist go out and reflag the wetland line on their property. So I believe the soil scientist and the applicant are here to discuss that.

Vice Chairman Wagner: Ok, and for the record is the soil scientist here?

Scott Stevens: Yup, can you hear me? It's Scott Stevens.

Vice Chairman Wagner: Yes, just for the record can you state your name please.

Scott Stevens: Sure for the record my name is Scott Stevens, I'm a registered professional soil scientists with Soil Science and Environmental Services based out of Rocky Hill, CT.

Vice Chairman Sadil: Ok, can you tell me your findings on the new mapping of the wetlands.

Mr. Stevens: Sure. I went out to the site on June 6, 2022. Dug several holes with a spade and auger down to, you know, generally 40 inches deep, several dozen holes I dug. In the wetlands I found, it's in my soil report, but I found the disturbed soul acquaints, along with random silt loam which is a poorly drained windblown or water deposited like silty wetland soil and in the uplands I generally found a lot of disturbed soils that are in that neighborhood area along with some Belgrade and also udorthents urban land, which is basically you know paved surface area. So I dug several holes,, I was looking at the

soil colors, the modeling depth to water, vegetation to some degree and basically I came up with a wetland delineation with the seven flags there's also 2 water courses on the property you can see them on the map. I didn't delineate the wetland on the southern side of the property, I just looked at the area between the, you know the wetlands that are closest to the rear of the house and I put up seven flags and prepared a soil report and gave them a sketch map that you can kind of see on your plans there.

Vice Chairman Wagner: Ok. My one question. You're not planning on amending the wetlands map are you? It's just, you're just testing the soil just for record to show what it was; for where the new line was.

Mr. Steven: That is, I guess, up to the client what they wanna do.

Vice Chairman Wagner: By law, you don't have to, right Mr. Hinckley?

Mr. Hinckley: My understanding is that the applicant is not, they're just demonstrating where the wetlands. As in past practice by the Commission has been done on other sites.

Vice Chairman Wagner: Ok, since we don't need a public hearing for this because we already voted on no public hearing, it's just a modification. I just wanna hear from the other council members if they, the commissioners, if they have any questions for you. I have no questions at this point.

Commissioner Bachand: I have a question Mr. Chairman.

Vice Chairman Wagner: Go ahead Commissioner Bachand.

Commissioner Bachand: So this is not to scale, this drawing, so what is the distance between where the mapped wetlands were and where your delineated wetlands are. Roughly the distance.

Mr. Stevens: Ok, well this is Scott Stevens...so again I didn't prepare the map, but I'm assuming it's probably 15-20 feet or so.

Commissioner Bachand: Ok and then, and Eric, if you know how much closer have we moved the pool to the to the rear line because the scale is way off, I mean the driveway looks bigger than the pool and I don't know unless it's a tiny little pool.

Mr. Hinckley: Maybe the applicant..

Mr. Breault: The difference in the wetlands from the old to the new is about 25 to 30 feet and this scale is close, probably not perfect of the driveway that we may look a little big but everything else is just about to scale.

Commissioner Bachand: OK, so can we see where the old where the pool was gonna be originally?

Mr. Hinckley: If I can for the record, Ben Ancona entered the room about 7:10. Commissioner Ancona.

Commissioner Ancona: Yes, for the record 7:10.

Vice Chairman Wagner: Thank you. For the record Ben Ancona is seated.

Mr. Hinckley: So the plan that's up now is what was approved in 2017. That was reviewed by the commission. It looks like they just want to rotate the pool it appears, they just turned it 90 degrees. Correct.

Commissioner Bachand: They brought it a little closer to the rear lot but since we moved the wetland line, I don't really have a problem with it.

Mr. Steven: Um, this is Scott talking again. I might just add too that the wetland delineation, I mean the whole back lawn is a lawn area, so my flags are actually in an area that's maintained as a mowed lawn right now for the most part. Where it really starts to get wet is, I mean I'm looking for wetlands, if

it's less than two feet of fill you still look at what the underlying soils are beneath it there. So even where my wetland line is, if you go out in the field, it looks really pretty dry because you are in a grass lawn area for the most part. So I just wanted to add that.

Commissioner Bachand: And how much closer does the lawn go from there?

Mr. Steven: Um...to where it really gets wet, right to the surface, it's maybe like 5 or 10 feet.

Commissioner Bachand: Alright, thank you I'm all set.

Vice Chairman Wagner: Any other commissioners have any questions? I'll take that as a no. So what we'll do is we'll table this for old business for next meeting.

Mr. Hinckley: Yes, we can do that.

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

VI. OLD BUSINESS

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

Mr. Hinckley: This is really a continuation of your deliberations before you vote. The public hearing has been closed, you are aware, so no new information can be introduced, so you can discuss.

Vice Chairman Wagner: So we are going to discuss how we feel about this before we vote from all the commissioners. We can't add anything new to record, we could just tell how we are...our opinion about how we're going to vote and then we're going to vote on this tonight because the application ends tonight. Right?

Mr. Hinckley: Yes, your 35 day deadline to take action is tonight for this application.

Vice Chairman Wagner: Ok, so I'll start with my opinion on this matter. Mr. Bongiovanni didn't have to get environmental scientist out there which he did. It showed that Jen Beno said that there's gonna be no major impact to that area and actually some improvements by getting rid of some invasive plant life and taking out the debris piles. I know other commissioners have some questions about the upland review, but with all the all the plans and I don't think there's any major disturbance. So I just want to open it up to the other commissioners. I mean we discussed it probably for two hours at the last meeting. I have my decision, I just wanna hear from other commissioners what they feel.

Mr. Hinckley: Chairman Wagner, just before we go too far. If the new commission member has reviewed everything she should probably state that on the record.

Vice Chairman Sadil: Commissioner deHaas, did you all review all the minutes from all the meetings in the past about this issue.

Commissioner deHaas: I had.

Vice Chairman Wagner: Are you willing to vote tonight based from your knowledge of this this construction.

Commissioner deHaas: I am.

Vice Chairman Wagner: All right, so, for record she feels comfortable how we vote tonight. So any other commissioner? Commissioner Bachand.

Commissioner Bachand: Yeah we all know about my feelings aren't as positive unfortunately and you know I asked the question from the beginning was it a good balance you know the level of

encroachment of versus the amount of open space and I've come to the conclusion that it's not worth it and you know we have 10 lots that encroach the regulated areas, we have the road where it's 100% in one part of it, in the bend of the road it's 100% in the regulated area, we have three lots with wetlands, we have three lots with the building area considerably in the regulated area and one of them entirely in the right area and then one within the majority of the regulated, four other lots that border the regulated area. So, no I'm not I'm not satisfied with this application and in my opinion it's the most egregious encroachment that I've seen since I've been on the Commission. But I've only been on the, you know most of our applications are small in nature, but this one kind of you know just doesn't feel right to me anyway.

Vice Chairman Wagner: Anything else?

Commissioner Bachand: No that's it.

Vice Chairman Wagner: Commissioner Ancona do you have any comments.

Commissioner Ancona: No, I don't have any comments right now thank you.

Vice Chairman Wagner: Commissioner Conway?

Commissioner Conway: Yeah I feel similar to Commissioner Bachand, I have never been comfortable with this from the beginning. Even, you know, answering all the questions we had and coming back with the, you know, proposed fence with the warning placards and you know none of that eased my mind on any of this and I'm not comfortable. I'm not comfortable with the plans at all and I the term Commissioner Bachand used egregious is exactly what I was thinking it's, it's just, it's not something I'm comfortable with.

Vice Chairman Wagner: Commissioner deHaas, you have any anything you'd like to add.

Commissioner deHaas: I have no questions.

Vice Chairman Wagner: So we have to go to vote now right?

Mr. Hinckley: If someone wants to make a motion.

Vice Chairman Wagner: All right, I'll make a motion. Can I make a motion to vote?

Mr. Hinckley: You can make a motion

Vice Chairman Wagner: So I'll make a motion to vote on this and we need to read the conditions in, right?

Mr. Hinckley: Yep. So if you're making a motion to approve you're probably want to say that and read the application in motion...if you're making a motion to approve then you make that motion to approve and they can read with those conditions.

Vice Chairman Wagner: Sorry, so where's the motion to approve? Right there in the top here?

Mr. Hinckley: Yep.

Vice Chairman Wagner: *Motion to approve Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear) with the Conservation Commission suggested permit condition.* Would you like Commissioner deHaas to read conditions A through D for me?

Commissioner deHaas: For 10A?

Vice Chairman Wagner: Yes.

Mr. Hinckley: Yes, conditions one through 10 are the standard conditions and then the additional ones are the lettered ones.

Vice Chairman Wagner; So you need to read A through D.

Commissioner deHaas:

- A. *Native, non-invasive shrub and/or tree plantings to be installed within the Upland Review Area (URA) along the edge of disturbance where clearing will be closest to the wetlands, this will include an updated planting plan.*
- B. *Invasive species be removed from the wetland restoration area and the upland review area planting sites for a period of five years. An agent for the applicant/property owner should conduct inspections during the early and late growing season and any observed invasive species should be removed from the planting areas and disposed of properly.*
- C. *An inspection of the planting areas to be conducted by a biologist immediately following plant installation to document the placement and vigor of the tree and shrub plantings. Additional inspections of the planting areas should be conducted during the growing season for five subsequent years to ascertain survival rates, soil stabilization, and invasive species maintenance. Copies of the reports documenting the findings from the inspections should be provided to the Town of Newington Inland Wetlands Commission. If the mortality rate of the plantings is greater than 15%, the plantings shall be replaced.*
- D. *Prior to the issuance of the first certificate of occupancy for the subdivision the applicant shall file the approved conservation easement(s) on the Newington land records.*

Vice Chairman Wagner: That's it for the motion. Mr. Gibbon can you do a roll call vote?

Ms. Gibbon: You need a second.

Commissioner deHaas: I second.

Vice Chairman Wagner: Can you do a roll call Ms. Gibbon?

Ms. Gibbon: Commissioner Ancona.

Commissioner Ancona: Abstain.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: No.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: No.

Ms. Gibbon: Commissioner deHaas.

Commissioner deHaas: Yes.

Ms. Gibbon: Vice Chairman Wagner.

Vice Chairman Wagner: Yes. That's one abstain, two no, and two yes.

Commissioner Ancona: Excuse me, this is Commissioner Ancona. Can I interject here or not?

Vice Chairman Wagner: You can, go ahead.

Commissioner Ancona: Good. How do I change my vote?

Vice Chairman Sadil: Mr. Hinckley are we allowed to do that?

Ms. Bertotti: I don't know.

Commissioner Ancona: I was confused, I was looking at something...I was very confused for a second, I joined late. My apologies. I wanted to vote yes on that.

Vice Chairman Wagner: On Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear).

Commissioner Ancona: Yes. My apologies for joining late. I was confused. Thank you.

Vice Chairman Wagner: Are you confident with your vote now?

Commissioner Ancona: Yes.

Vice Chairman Wagner: So Mr. Hinckley we didn't close it yet so...

Ms. Bertotti: Well, the vote on the record is either three to two or two to three and we will check with our attorney on this, because honestly, I do not know.

Vice Chairman Sadil: Yes with Mr. Ancona and then simply just check with the attorney because we didn't close the vote.

Mr. Hinckley: Correct.

Vice Chairman Wagner: And he stated that he was confused, so...

Commissioner Ancona: I wasn't sure what was going on for a second there. I apologize.

Vice Chairman Wagner: Now we have a three to two, three saying yes, two saying no.

Ms. Bertotti: We will verify this in the morning.

Mr. Hinckley: Ok. Absolutely.

Commissioner Bachand: If I could say something.

Vice Chairman Wagner: With that being closed now we move on to public participation.

Vice Chairman Wagner: Do we have anyone on the line?

Mr. Hinckley: No, there is no one on the line.

Commissioner Bachand: Mr. Chairman

Vice Chairman Wagner: Commissioner Bachand

Commissioner Bachand: Before we go to public participation I was thinking about that application for the pool there um he pushed it for another month I mean this is construction season I don't know if they plan on doing the work, did they request any decision on it tonight? I mean, can we revisit that?

Vice Chairman Wagner: Mr. Hinckley, can we revisit that?

Mr. Hinckley: Typically the application, you know, does require a 15 day waiting period in case there's any kind of appeals, it is a modification of use minor nature.

Vice Chairman Wagner: There is the 15 day waiting period in case of any appeal. We'll just leave it to the next meeting. Thank you Mr. Hinckley. Onto public participation.

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

Mr. Hinckley: There is no one in the room.

Vice Chairman Wagner: All right, now we will move on to Item 8, communication and reports.

VIII. COMMUNICATIONS AND REPORTS

A. Agent Communications

Vice Chairman Wagner: Mr. Hinckley do you have anything to report?

Mr. Hinckley: So, the only thing I have is, I received, I think I have one, or approved one deck permit as an agent of approval on Adam Drive and then the other item of note is the Apple Hill is going to be spraying their pond, I got notification.

Vice Chairman Wagner: So what's that for? Was that for just like algebra growth?

Mr. Hinckley: Yeah, herbicides, mosquito stuff like that so. I don't know of Gail or...

B. Town Council Liaisons Communications

Vice Chairman Wagner: Town Council liaison reports? Anything from that?

C. Pond Life Research And Education

Vice Chairman Wagner: Ok, we're good. Now Pond Life Research and Education. I don't think we have Commissioner Paskewich here.

Mr. Hinckley: I have nothing on that.

Vice Chairman Sadil: Does anyone have any more comments before we close the meeting tonight? So can I get a motion to close, adjourn the meeting?

Mr. Hinckley: Oh wait, I'm sorry, Kim...

Councilor Radda: Yeah I just wanted to note that I didn't see Councilor Budrejko on the call, I just wanted to let Commissioner Wagner know that I am also on the call but I have no comment to make, no information from our last town council meeting.

Mr. Hinckley: Gail is in the room just so you know.

Councilor Budrejko: I'm here. I'm all set.

Ms. Bertotti: Well thank you for nothing then.

Councilor Radda: Neither one of us are... have anything to say tonight

Vice Chairman Wagner: That's ok.

IX. ADJOURNMENT

Vice Chairman Wagner: Can I have motion to adjourn the meeting.

Commissioner Conway: I'll make that motion. Commissioner Conway.

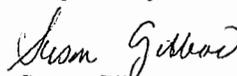
Vice Chairman Wagner: Thank you Commissioner Conway, can I get a second?

Commissioner deHaas: Second

Vice Chairman Wagner: Second by Commissioner deHaas. The meeting is adjourned.

The meeting adjourned at 7:26 p.m.

Respectfully submitted,



Susan Gibbon
Recording Clerk