I. CALL TO ORDER
Chairman Sadil called the meeting to order at 7:01 p.m.

II. ROLL CALL
Ben Ancona III (via Zoom)
John Bachand
Bernadette Conway (via Zoom)
Kelly deHaas
Alan Paskewich
Andreas Sadil

Also present:
Erik Hinckley, Inland Wetland Agent
Susan Gibbon, Recording Secretary (via Zoom)
Councilor Budrejko, Town Council Liaison
Councilor Radda, Town Council Liaison (via Zoom)

Chairman Sadil: Ok, so we have five attendees. Point of order, I will need an acting secretary for this evening if there’s a motion that needs to be moved, it has to be here, someone in attendance. Correct?

Mr. Hinckley: It should be, yes.
Chairman Sadil: So Commissioner Bachand are you willing to be acting secretary this evening?
Commissioner Bachand: Is there a lot of reading, if there is, I nominate our new member. Because I’m having trouble with my reading glasses.

Chairman Sadil: You concur? You acquiesce?
Commissioner deHaas: Sure.

Chairman Sadil: Ok. Commissioner deHaas will be our acting secretary this evening.

Mr. Hinckley: And do you need to seat Commissioner Conway?
Chairman Sadil: I think she’s a full member. She’s still an alternate?

S. Gibbon: She’s a full commissioner.

Commissioner Conway: So, I have not gone in and gotten sworn in yet. My apologies for that. So, I don’t know where that leaves me for tonight.

Chairman Sadil: So I will seat you as an alternate for Commissioner Wagner. Commissioner Wagner has, uh, will not be available this evening, so I will seat you for Commissioner Wagner. But please get that taken care of before the next meeting.

Commissioner Conway: Absolutely, I will. My apologies.

Chairman Sadil: Commissioner Conway please. Thank you. Moving on to Item III, Public Participation on Non-Agenda Items, each speaker is limited to two minutes.
III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
(each speaker limited to 2 minutes)

Chairman Sadil: Mr. Hinckley is there anyone on the line?

Mr. Hinckley: There is no one on the line that I see. Though, just as a point of order, I do see
that Commissioner Ancona is on the line now.

Chairman Sadil: Commissioner Ancona?

Commissioner Ancona: Yes, I switched phones. My other phone wasn't working.

Chairman Sadil: Ok, please let it be noticed that Commissioner Ancona was seated at 7:03 p.m.
for the record.

Commissioner Ancona: I said here for the roll call.

Chairman Sadil: I didn't hear you.

S. Gibbon: Oh, I'm sorry, I didn't hear you.

Commissioner Ancona: Sorry, you must...sorry, I'm good now. Thank you.

S. Gibbon: Thank you.

Mr. Hinckley: I see no one on for public participation on Zoom. I don't believe anyone is in the
room at the moment.

Chairman Sadil: All right. Moving on to Item IV, Acceptance of Minutes. Acceptance of Minutes
from the meeting of June 21, 2022 Regular Meeting. Are there any additions or corrections from the
commission?

IV. ACCEPTANCE OF MINUTES

A. Acceptance of Minutes: June 21, 2022 Regular Meeting

Commissioner deHaas: I had a couple of points.

Chairman Sadil: Commissioner deHaas.

Commissioner deHaas: There were a couple of times it references Vice Chairman Sadil, instead of
Commissioner Wagner.

Chairman Sadil: Right.

Commissioner deHaas: So, I'd like to have that corrected and there were a few other very small
like typographical.

Chairman Sadil: Ms. Gibbon, I did notice that. I read the minutes online. Have you noticed that
needs to be corrected? On several spots, not just one.

Ms. Gibbon: Yes, I have. Yeah, I noticed that as well. My apologies.

Chairman Sadil: Ok, thank you. Commissioner deHaas please continue.

Commissioner deHaas: There are a few other grammatical items, like a random s somewhere and
I believe we were discussing algae and it shows up as algebra in the minutes. So, I circled those. I can
scan them in and send them to Mr. Hinckley.

Mr. Hinckley: Yeah, if you want to scan them to me and I can forward them over to Ms. Gibbon.

Chairman Sadil: Anyone else from the commission with corrections or additions?

Commissioner Bachand: I'm good.
Chairman Sadil: All right, seeing none. Can I have a motion to accept the minutes of the regular meeting of June 21, 2022.

Commissioner Bachand: I make a motion to accept the minutes.

Commissioner Paskewich: I move that we accept the minutes.

Chairman Sadil: Motion by Commissioners Bachand here in person. May I have a second?

Commissioner Paskewich: Second, Alan Paskewich.

Chairman Sadil: Second by Commissioner Paskewich online. All in favor?

Commissioners: Aye.

Chairman Sadil: I will abstain since I was not at that meeting, so it's 4-0-1 Ms. Gibbon. No one against. So that will be four, zero, one abstention on my part. [Actual vote 5-0-1].

Ms. Gibbon: I got that.

Chairman Sadil: Thank you.

Ms. Gibbon: You're welcome.

Chairman Sadil: Moving onto new business. Application #2022-15: 109 Brookside Rd. Declaratory Ruling That The Proposed Property Does Not Fall Within The Regulated Area Pursuant To The Flagged Wetlands, Applicant: The Metropolitan District (MDC), Owner: Milagros And Ramon Del Valle, Contact: Lindsay Strole

V. NEW BUSINESS

A. Application #2022-15: 109 Brookside Rd. Declaratory Ruling That The Proposed Property Does Not Fall Within The Regulated Area Pursuant To The Flagged Wetlands, Applicant: The Metropolitan District (MDC), Owner: Milagros And Ramon Del Valle, Contact: Lindsay Strole.

Chairman Sadil: Will the applicant please step forward.

Lisa Muscanell-DePaola: Good evening, my name is Lisa Muscanell-DePaola, I'm from Wright-Pierce, and I'm the engineer for MDC. I'd also like to provide the opportunity for my colleagues on Zoom to introduce themselves. So there's Julie Bjorkman...

Chairman Sadil: Let them introduce themselves, each as they come in please.

Mr. Hinckley: They're online so they are welcome to speak.

Lisa Muscanell-DePaola: Oh, so you want to introduce them as they come in?

Julie Bjorkman: So, I'm Julie Bjorkman from JKB Consulting. I'm a sub to Wright-Pierce who's working for the Metropolitan District.

Chairman Sadil: Thank you. Anyone else from MDC representing the applicant?

Ms. Muscanell-DePaola: Is Lindsay on the phone?

Lindsay Strole: Hi I'm here, I'm at home taking care of my baby niece right now. She's not super happy. I am here, I apologize, I'm here on behalf of the MDC. I don't know if George Logan is also on the call, we have our soil scientist.

George Logan: Yes, I'm here. I'm George Logan with REMA Ecological Services, LLC. I'm the soil wetland scientist for the project.
Ms. Muscanell-DePaola: So this is an existing sewer pump station and it is located on the property of 109 Brookside Road. This pump station was built in the 90's. The MDC has a permanent easement right now for that pump station, and Erik, I don't know if you want to put up our figure there. The drawing that I had sent over earlier.

Mr. Hinckley: You want the new one up?

Ms. Muscanell-DePaola: What?

Mr. Hinckley: You want the one that you sent earlier?

Ms. Muscanell-DePaola: Yeah, that would be great. Um, so the pump station, it needs to undergo a comprehensive upgrade. The footprint of the new station is going to remain within the existing footprint. So the footprint is that gray shaded area, that's the existing footprint. It's located, like I said, on 109 Brookside. So we had our certified soil scientist come out and do wetlands flagging in February. The wetlands that we flagged were on Piper...on Piper Brook, sorry, I'm having a hard time looking at this and the screen at the same time. The Piper Brook and, so, uh, the 100 foot upland review area, the buffer area, bring us to, which line...

Mr. Hinckley: The green line.

Ms. Muscanell-DePaola: The green line, so the green line, and, um, as you can see the location of the MDC pump station is completely outside of the green line. Now, we also plotted on the same figure, the Town of Newington delineated wetlands and that is in red I believe, and then the 100 foot URA is also shown on that figure. So we are here tonight to ask for declaratory ruling that you agree that this existing pump station is not within wetlands or the upland review area and that a wetland permit is not required at this time.

Chairman Sadil: So, I do have a few questions before we move forward. So what exactly does this pump station do? Can you explain to the commission? What is its purpose at a high level? What's it pumping, where is it going, that sort of thing.

Ms. Muscanell-DePaola: Ok, sure. So there's um, there's an influenced sewer line, it's septage and it's taking residential flow from the area and it's pumping it downstream, well, when I say downstream, I mean pipe wise. It's pumping it through a force main to the discharge manhole which is several hundred feet away. So it's sewage. It's been here since the 90's. It's pumping sewage and we need to replace...

Chairman Sadil: It's going toward Brookfield...Brookside Road. Is that where it's directed.

Ms. Muscanell-DePaola: No, it's going from, it's going from, so the influent flow is coming at the top of the page is coming like north, northwest. The flow is coming through and it's getting pumped and then it's exiting, um, it's going south, oh, southeast. The flow.

Chairman Sadil: How close does that come to the upland review area? I'm just curious where that piping is.

Ms. Muscanell-DePaola: We are not doing anything on the force main during the project or doing anything with the force main discharge manhole where this, where the septage discharges. The septage, um, the only thing we are doing is some work with the manholes that are upstream of the pump station and that will be further upstream, further out of the 100 year buffer area that was delineated by our...by George Logan.

Chairman Sadil: Ok, um, so you've done quite a bit you know delineating, and we'll talk to George later, but why not just, for the record, you don't want to go for the map amendment, so we can store that for the record formally on our Newington town wetland map.
Ms. Muscanell-DePaola: So we did talk to Erik and I’ll let Julie take that question. Julie if you don’t mind.

Julie Bjorkman: Sure. Hi. Yeah. Well we had a pre-application meeting with the town of Newington, including Erik and Renata and we were advised that it would be better just to submit an application and present the information that we do have showing our soil scientist delineation and request a declaratory ruling and then determine whether a map amendment would be required. We were, you know, would rather not go through the process if it’s not necessary. But we’re just trying to figure out what’s necessary.

Chairman Sadil: I am interested in knowing what the original map was. It’s quite a difference between what you’ve delineated and what’s on the town map. What set the town map? Is this a bulk assessment that was done a long time ago to explain the differences between what’s in the town map or Mr. Logan presents shortly.

Ms. Muscanell-DePaola: Yeah, I think, I don’t have it in front of me, but in your materials, in the application there should be a date on a figure that has the town’s wetland mapping and there should be a date. Julie, I don’t know if you have that.

Ms. Bjorkman: I do, um, I believe it was 2006. June 1, 2006 was the town wetlands map.

Mr. Hinckley: So I can also speak a little bit of background on that.

Chairman Sadil: Ok, thank you.

Mr. Hinckley: As Piper Brook was originally mapped for wetlands back in the 70’s it had a much different flow. It had more oxbows, bends, whatever, so it had a wider flood plain at the time. And then in the 90’s there was, you know, a dredging and filling project to create, you know, a different flood plain and at that time, you know, I don’t believe anybody ever decided to remap it at that time and I believe in Mr. Logan’s soil report he also points out that a number of the soil types he found were endorphin type of fill material and he can speak to that. But that’s a little bit of background on Piper Brook and why I believe the difference is, and again Mr. Logan can speak more to that.

Chairman Sadil: Ok, thank you.

Commissioner Bachand: I imagine there was some filling when that neighborhood was built as well.

Mr. Hinckley: Absolutely, it changed.

Commissioner Bachand: I have a question.

Chairman Sadil: Sure, go ahead Commissioner Bachand.

Commissioner Bachand: So that’s a residential lot. It shows a dwelling there, um, is that correct. That’s not MDC’s.

Ms. Muscanell-DePaola: So MDC owns a permanent easement on the property and that’s why the application was signed by the property owner.

Commissioner Bachand: Just that shaded area is MDC and those two right of way, uh, it looks right a right of way they’re entering from the street on two lots.

Ms. Muscanell-DePaola: Um, yeah, yes, so they...
Mr. Hinckley: The yellow actually I believe is an old drainage easement. They actually have access if you go farther up around the Brookside. MDC has a, there’s a road out there, a gravel type of road to access this property.

Commissioner Bachand: Because they don’t access where it looks like there’s a right of way now?

Mr. Hinckley: No, that’s a drainage, that yellow...

Commissioner Bachand: Yes.

Mr. Hinckley: That yellow line is a drainage...

Commissioner Bachand: It looks like a right of way between the lots.

Lindsay Stole: That right of way between the lots, um, sorry to interrupt. The right of way between the lots is...

Chairman Sadil: Commissioner Conway. Who is that speaking?

Ms. Muscanell-DePaola: It’s Lindsay from the MDC.

Ms. Strole: I apologize. That right of way that comes from Brookside Road is actually our permanent easement for the gravity sewer, that influent to the pump station and as you can see there’s an old gravity line actually crossed above the Piper Brook. So when the Army Corps came in and did the filing project or, excuse me, the dredge and fill project around the Piper Brook, they had asked the MDC to essentially remove that gravity line. It kind of acted as a dam and it was a flood issue so that’s why the pump station was originally installed was to send the flow below the brook via a force main in lieu of the gravity line over it. So we still do own that, well not own, but you know we do still have that permanent easement in place where the old gravity sewer went. So that’s kind of what is cutting across 109 there, that right of way. And the one that’s so sort of in the larger parcel that belongs to Eversource, and that is for our access road and also for the force main. We have an easement along their property as well for those two.

Commissioner Bachand: Just out of curiosity, are you saying that if it was done today it could be tied by gravity directly into the trunk sewer? It wouldn’t need a pump station?

Ms. Strole: No, there’s an existing pump station there now.

Commissioner Bachand: What’s that?

Ms. Muscanell-DePaola: There’s an existing pump station there now.

Commissioner Bachand: I know, but I’m saying if it was uh, it sounds like some pipes were removed or something.

Ms. Strole: Yes.

Commissioner Bachand: The trunk sewer is nearby there?

Ms. Strole: Yes, so the trunk sewer is a higher elevation...

Commissioner Bachand: Oh, it is higher, ok.

Ms. Strole: Than that’s what...we would have to bring the pipe up above the brook which I know Army Corp would not be very pleased with so...

Commissioner Bachand: Ok. And then so, if I can continue. I see no problem with it because I think it’s apparent, you know, if you even walk on the site you that it’s not wetlands anymore and especially if the soils have proven to not be wetlands. So, I’m only curious about how does this affect the neighbors where they have wetlands and upland review area, are they now exempt from following our regulations? Especially the property that we’re declaring it on.
Mr. Hinckley: This is only affecting 109 Brookside. So yes, going forward, there's no, you're saying there's no wetlands on that property so they do not require any type of wetland...

Commissioner Bachand: Only 109, but the two properties on either side of them, they're going to still be regulated.

Mr. Hinckley: That's correct.

Commissioner Bachand: So even if there was a map amendment, we'd have 90 degree bends in the line.

Mr. Hinckley: Which we would have the same thing. You'd have a big notch in there.

Chairman Sadil: Zigzag.

Commissioner Bachand: Which we're trying to avoid I thought.

Chairman Sadil: Yes, that's not practical.

Commissioner Bachand: I just think that the neighbors may have an issue, you know, with that, that they're going to be bound by the regulations and one property isn't. Can anyone make a declaratory or request this, uh, ruling?

Mr. Hinckley: Sure. If they were going to do an activity they could certainly request that. But they are going to have to go out and get their own soil scientists.

[Inaudible speaking]

Mr. Hinckley: There's still an inherent cost.

Commissioner Bachand: Even though we're showing this line because this line is going past 109, it's going beyond 109 in both directions.

Mr. Hinckley: To a point. I mean, you know, again if somebody were to come in, I'd certainly work with them if I could.

Commissioner Bachand: Ok. That's the part, that's the only part I'm concerned about. I have no problem with the MDC's request, so, I fully agree with it.

Chairman Sadil: Thank you Commissioner Bachand. Commissioner deHaas do you have any questions for the applicant?

Commissioner deHaas: I don't, no.

Chairman Sadil: Ok. I'll go to the phone. Commissioner Paskewich do you have anything at this time?

Commissioner Paskewich: No. I think everything is clear, concise and it's ready to go.

Chairman Sadil: Thank you. Commissioner Conway.

Commissioner Conway: I have no questions. Thank you.

Chairman Sadil: Commissioner Ancona.

Commissioner Ancona: No, I'm all set. Thank you.

Chairman Sadil: Ok.

Mr. Hinckley: And just, if I may. So I also keep this data and we will plot this flag line in our system. It's not going to be an official map amendment, but it will be there so we know it's been flagged in the past. So, if we're all gone or whatever, somebody can see, oh this is flagged in the past but they didn't do a map amendment. So we do have empirical data at this time, it wasn't wetlands.
Commissioner Bachand: So a neighbor could use that.

Mr. Hinckley: Potentially, yes.

Chairman Sadil: Ok, do you have something to present next or...I'd like to ask Mr. Logan some questions if I may.

Mr. Logan: Sure, absolutely, that's what I'm here for.

Chairman Sadil: Ok, we usually do these in stages, but, uh, yeah, so talk to me about the soil report. I had, I saw the soils you uh outlined in your report. Um, a lot of it is disturbed soils, a lot of it is alluvial soils, can we go through that briefly for the record.

Mr. Logan: Sure, absolutely. So, as we’ve been talking, you’ve heard that back in the sometime between 1990 and 1995, I don’t know the exact date, the U.S. Army Corps of Engineers was involved with a flood control project. Previously, and I could certainly show you pictures if I could share the screen, but I don’t have to, it’s up to you. I did a comparison looking at a 1995 aerial photograph after the job had been done and so that’s online. Then I looked at some earlier photographs and the contrast is actually striking. So what used to be there is kind of what’s remained on the Connecticut soil survey is what you, is a soil type, which is kind of unique in Connecticut, it is the only soil type that is both floodplain, it’s an alluvial soil type and it’s also somewhat poorly drained. So it’s neither poorly drained or moderately drained but somewhere in-between, it’s sort of an aberrant situation but to sit alone. So those are very obvious when you see them on the field and I’ve seen them, you know, a dozen or so times over my career. It looks like a wet metal because it has that silt component. Whereas if you look at the site here today, and what’s striking, is that most of the material that was brought in is sandy, which kind of makes sense, usually that’s what’s used. So what we determined or what I determined while out in the field, and the question was where it the alluvial influence today. And I’m not talking about the 100 year storm, because that’s obviously something that is completely different, but I’m looking at what the active floodplain is if not year to year, every several years. Usually what we look for are alluvial deposits that have bene incorporated into the topsoil. So I started at the bottom, if you will, near the bottom of the channel and the brook and proceeded going up and what I noticed is that as I started cresting that slope, that’s where the alluvial characteristics, the alluvium stopped and beyond that you couldn’t find it, so that’s why you have two lines there. The top line is the one that I’d call your floodplain, your active floodplain soil line and then below that is the hydrosol line which is really not your jurisdiction alone, it is also the U.S. Army Corps of Engineers. So we had to do two lines. So the bottom of a slope as it starts to come up we have a jurisdictional line and that’s obvious because it’s you know, it’s got wetland vegetation everywhere and then you start climbing up the steep slope and you’re like well, where’s the stop and then right at the crest, just beyond the crest is where that alluvial deposit stops and then you have that fill situation. So what they did is they built this whole thing up and basically filled with Bash soils and some alluvial soils and because these are new we can’t call them a soil series, they’re Udorthents, so they are distributed. Now, the other thing you saw in my report is that I have a soil mapping unit which is called Fluvaquents and those are recently formed, typically moderately well drained to well drained flood plain soils. So it doesn’t have a soil series, it more of a mapping unit and that, so I had to give it something, that’s the catch-all for us as soil scientists to identify this old mapping unit. So that’s what you have and then I also put the Aquents because obviously the poorly drained soils at the bottom of the hill, of the slope, those are also disturbed, because they are all handmade, right, they completely re-channelized the stream, made it go straight, before it was nice and meandering, so that’s the Aquents, right, so these are poorly drained to very poorly drained and then of course what’s happened...

Chairman Sadil: Can you put that up on the screen where he’s talking about. These various line numbers with the soils, 28, 308.

Mr. Logan: I can certainly put that on the screen if I’m allowed to share.

Chairman Sadil: I'd like to see that, just to see the map of them all.
Mr. Hinckley: You should be able to share George.

Mr. Logan: Ok. Let’s try to do this.

Mr. Hinckley: Sorry, I thought...

Mr. Logan: No, that’s fine. Now I’ve got to find it. Uh, it’s here, nope, that’s not it. Hold on, I’m a little confused. Let me go back and do it again, sorry. Oh yeah, you had to unshare for me to share this. There you go.

Mr. Hinckley: You should be good.

Mr. Logan: So this is, so this is my report. I guess these are the soil types. So the Elmridge soils are number 28 is still there, you can see that on the soil survey and these are glacial lacustrine on the slope as it says there. Then there’s Udorthents, that’s the mapping unit, the catch-all of disturbed upland soils. The Aquents which is the poorly, very poorly drained mapping unit. Again, it’s not a soil series like the Elmridge is and the Fluvaquents is the 109. If you looked at the original soil survey which I will flip and show to you, you have the Bash soil series, so let me show you that. It’s all the way down here, don’t want to get you dizzy. So here you have it, so this is the 104 line. And if you look at the line it’s pretty consistent with the red line with what you showed as that red zone, which is the line in the upland review area. And this is the 104. So this is our study area. So if you count 1, 2, 3, 4, 5 houses, this is where our pump station is, right in this wooded area. So yeah, now let me show you. So this is the 1965 aerial photograph, I mean, you can see this looked wet, you can see a little meandering, you know, you can see the micro topography almost. So probably what you had along the brook, there’s probably a sewer line there before, you had a little bit of a hump and so we trapped the water behind it yeah. So if you go 1, 2, 3, 4, 5, there’s your 5th house, this is our site right here. And now let me flip to the 1995, which is the first aerial photograph after everything took place, so blink, here you go. It’s quite striking, so this is nice, this is Army Corp of Engineers, let’s get a nice smooth channel and get the water out as soon as we can down to the branch river. So, yeah, so those are the things and here’s the Bash soil I just, oh boy this is big, I just wanted to show you what it looked like before. Again, these are what it used to be there is something called leader insults formed in alluvial deposit which is the 104 that I just mentioned. So going back to report, again you can kind of see, you know, the steep slope, this is my last flag to the South that you see here. A little better, again this is the top, pretty much the top or the northernmost and you can see a flag right there so you can see it comes up a little bit and so the alluvium stops or the incorporation of alluvium within the soil stops at this point, just passed the brown.

Chairman Sadil: So basically embankments, that’s basically your wetland line is basically how that was shaped way back when by the Army Corp, that last dredging of that of the brook there. That’s basically set the wetland line would you say.

Mr. Logan: Pretty much that’s what happened. So I think, and I’m not an engineer, but I’m assuming that when they set the elevations for the channels they did some calculations and figured, ok most of the storms can be accommodated, you know, up to a 25 or even slightly more can be accommodated in this channel without too much overflow. And for the 100 year storm, obviously we’re going to go further up than that. So this is a southerly-ish view of Piper Brook. And let’s see, we’ve got one more here and this is, I just took a picture because I went and looked, you have a little puddle here, but that was not wet, just snowmelt, it was being trapped. And finally, again, this kind of gives you an idea of the federal jurisdiction wetland fringe which you also regulate, obviously. But they don’t regulate up there the same way. Now you can see there’s a little bench here, it’s not flat but it’s kind of sloping into the brook. That is poorly drained and not very poorly drained and it has all kinds of vegetation. There’s some alder and some willows growing at the edge. Again, not the best time of year for me to look at vegetation to tell you what’s out there, but I did the best that I could in February.

Chairman Sadil: Mr. Logan, let me ask you. It seems rather barren, I guess this was winter time, February, but could that embankment become vegetated once again, over time, over the years.
Mr. Logan: Sure, I mean let’s look here, I mean it’s obvious that the mowing regime probably in on the Eversource property comes down the slope a little bit, because I don’t see any, like you see these silky dogwoods down here, you know that you can see the red hue, those are starting to grow up a little over the bank, but, you know, if they stop mowing just past the top, obviously this is gonna be revegetated with whatever the, whatever is there, including Alder, willows, silky dogwoods and whatnot.

Chairman Sadil: But the top is maintained by the MDC. Who does that, that whole area? That is a maintaining landscape, maintained area.

Mr. Logan: Absolutely. I think it’s mowed periodically. I can’t tell you how often it is but probably at least once or twice per year.

Commissioner Bachand: That was a requirement of the project as well.

Mr. Hinckley: The town is required to mow and the Army Corps, to maintain our flood certification, they actually require us to cut the bank as well. They don’t want anything that could wash away...

Commissioner Bachand: Right down to the water?

Mr. Hinckley: Yup, as far as we can get.

Commissioner Bachand: Like once a year down there?

Mr. Hinckley: Yeah, we have a yearly inspection with DEEP, usually in October they go with the town engineer and they walk Piper Brook.

Chairman Sadil: So it be very difficult for anything to get out of control, some trees or anything that would be immediately fell.

Mr. Hinckley: We usually mow it twice a year, once after the winter and once midsummer, late summer and fall.

Chairman Sadil: Excuse me Mr. Logan, do you have anything else? I cut you off there.

Mr. Logan: No that’s fine, I mean that’s my contribution for the moment unless you have a specific question and something else.

Chairman Sadil: So I wanted one last question relative to the floodplain itself. Does a floodplain soil automatically make it a wetland soil? I’ve heard two stories, I’d like to ask you that question. Where would that floodplain be relative to what we see today to explain something relative to the soils

Mr. Logan: So when we’re talking about regulated floodplain from a soil scientist perspective and which obviously is wetlands Commission and Conservation Commission regulated we’re really talking about the areas that probably don’t flood, flood up to maybe a 30 year occurrence or so. I’m saying that because there was a study that was done in glaciated Wisconsin many, many years ago and that’s what they found that the act of floodplain per soil, looking at the soils was typically associated with about a 30 year incidence of a flood event. Now the hydraulic floodplain, that’s above my pay grade, that goes further out and that’s what FEMA regulates obviously.

Chairman Sadil: Ok, but so necessarily a floodplain soil it’s in a flood plain, it’s not necessarily considered, could be considered wetland. Is that...

Mr. Logan: It’s always considered wetland, because in Connecticut what you regulate, look at the statute, regulates poorly drained soils, very poorly drained and then it has alluvial and floodplain which is kind of the same thing, I don’t know why they put two forms, they wanted to confuse us I guess but it’s a alluvial soils of floodplains.

Chairman Sadil: Ok, a floodplain soil is a subset of a wetland soil.
Mr. Logan: Uh, yes, absolutely. And we're unique in probably the nation that our wetlands regulations include the active floodplain. If you go to Massachusetts, well they got some other regulations there, they don't call it the same thing, but you know the federal jurisdiction stops at hydric soils which are typically more or less poorly drained soil to moderately well drained soil transition.

Chairman Sadil: OK. Thank you for answering my questions. Commissioner Bachand.

Commissioner Bachand: I was just curious, so are we talking about even out to the 100 year flood line that that would be a regulated area.

Mr. Logan: No, not under, there are no...so there is times, there are times when based on hydraulics the 100 year floodplain and the active floodplain by soil type is coincident, or very close to coincident. But when you have these situations here, um, it means that the active floodplain, which is what actually creates, that's the genesis of the soils that are under the regulation regulated by the statue, wetland statue and then the hydraulic floodplain is something that's usually much further away. That's the exception when they are coincident and that has to do with what happens during 100, you know a 2%, if I'm, you know is it 2%, 1%...

Commissioner Bachand: One percent.

Mr. Logan: One percent incidence. There you go, half a percent.

Commissioner Bachand: That could be in a residential neighborhood or right in the city street basically.

Mr. Logan: Yeah I don't know exactly, I mean I remember looking at the FEMA map and I know that it went further up from where I put my line.

Commissioner Bachand: I just have one more question. Just out of curiosity roughly, if you know George, the elevation of the site compared to the average water level of the brook. What's the mobilization change? Just roughly.

Mr. Logan: I'm guessing 17 feet, yeah, maybe not that much, but certainly 10-12 yes.

Commissioner Bachand: OK. That's all.

Chairman Sadil: Thank you. Commissioner deHaas do you have any questions for the applicants?

Commissioner deHaas: No, I don't.

Chairman Sadil: I'm going to go to those online. Commissioner Paskewich do you have any comments?

Commissioner Paskewich: No, I don't. I felt it was very thorough. Thank you again George Logan for coming on board and your expertise has been welcome. Thank you.

Mr. Logan: Thank you, I appreciate it.

Chairman Sadil: All right who else do we have? I have not heard from Commissioner Conway.

Commissioner Conway: No, I've been listening and I have no further questions.

Chairman Sadil: Thank you. Commission Ancona.

Commissioner Ancona: Nope. I've been listening and looking at the maps. Thank you.

Chairman Sadil: All right. So I just had one more question relative that floodplain. So basically on this map that's presented here there where will be that boundary relative to what we've drawn here for the 100 foot buffer would be within that 100 foot buffer?

Ms. Muscanell-DePaola: The 100 year flood plain does cross through the pretty much the middle of the site.
Chairman Sadil: Of your site.

Ms. Muscanell-DePaola: I did not put it on this on this drawing.

Chairman Sadil: That doesn't concern MDC.

Ms. Muscanell-DePaola: We, uh, I mean we're gonna be pursuing other permits later on in the fall for this project related to the 100 year flood, but I'm not sure what your question is.

Chairman Sadil: So that floodplain is within your working area where the current pump station is correct.

Ms. Muscanell-DePaola: That's correct.

Chairman Sadil: So there's no concern that that, heaven forbid, that 1% happens.

Ms. Muscanell-DePaola: We are taking...the design is going to be protecting like the generator and some of the controls and electrical equipment, it's gonna be 3 feet above the 100 year floodplain elevation.

Chairman Sadil: Ok. That's the answer I'm looking for. Um, no other questions, um we'll take care of this under old business then.

Mr. Hinckley: You can just move it to old business and which it's already on the agenda as old business so you don't even have to do that.

Chairman Sadil: Ok, nothing else, that's the only thing under new business. We will move on to Old Business, Section 6. Thank you. Application 2022-14: Modification To Application 2017-06 To Relocate An Inground Pool At 98 Carriage Hill Drive. Applicant/Owner/Contact: Joanna Breault

VI. OLD 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

Chairman Sadil: Excuse me, ok. Is the applicant present?

Mr. Hinckley: I believe she's in the room. She made a presentation last meeting and there was, I don't believe there were any questions. Any other question for here, nothing for my memory.

Chairman Sadil: I was not at that meeting so, what is, refresh my memory for a minute as far as...she did hire a soil scientist, I did read minutes, she said she had a soil scientist come out...

Mr. Hinckley: Well it's about a 20 foot difference, 20-25 feet and originally the pool is, you know, longitudinal along the west.

Chairman Sadil: Yes, I know she rotated and turned 90 degrees. So that double dashed line there is wetlands declared by the town and the triangle is what was done by the soil scientist. So it moved away.

Mr. Hinckley: It moved away and then there's gonna be...typically there should be less disturbance along the wetland line.

Chairman Sadil: Um, any other questions. I open this up to all commissioners at this time for the applicant at this time. Is she present? Can you identify yourself?

Mr. Hinckley: I don't know if she'd like to speak. Joanna if you're on.

Joanna Breault: I'm on the phone, can you hear me?

Mr. Hinckley: Yes, we can. Do you guys have any questions for her?

Chairman Sadil: If they are online raise their hand.
Mr. Hinckley: No, she’s on the phone.

Chairman Sadil: Yes. I’m talking to Commissioner Paskewich, Commissioner Conway and Commissioner Ancona.

Commissioner Paskewich: No questions here from Commissioner Paskewich. Chairman Sadil.

Chairman Sadil: Thank you.

Chairman Sadil: All right, not raised hands so I guess we’re ready to act on this application. So I ask for a motion for Application 2022-14: Modification To Application 2017-06 To Relocate An Inground Pool At 98 Carriage Hill Drive. Applicant/Owner/Contact: Joanna Breault. Go ahead acting secretary.

Acting Secretary deHaas: Move to approve application 2022-14 for the modification of application 2017-06 to relocate an inground pool at 98 Carriage Hill Drive. The conditions of the original permit remain in full force and effect.

Chairman Sadil: May I have a second from the Commission.

Commissioner Bachand: Second.

Chairman Sadil: Second from Commissioner Bachand. Final discussion. Ms. Gibbon please call the roll.

Ms. Gibbon: Commissioner Ancona.

Commissioner Ancona: Yes.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

Ms. Gibbon: Commissioner deHaas.

Commissioner deHaas: Yes.

Ms. Gibbon: Commissioner Paskewich.

Commissioner Paskewich: Yes.

Ms. Gibbon: Chairman Sadil.

Chairman Sadil: Yes.

Ms. Gibbon: Six yes.

Chairman Sadil: Thank you. Good luck with your project.

Ms. Breault: Thank you.

Chairman Sadil: Ok, moving on to Old Business, section B. B. Application #2022-15: 109 Brookside Rd. Declaratory Ruling That The Proposed Property Does Not Fall Within The Regulated Area Pursuant To The Flagged Wetlands, Applicant: The Metropolitan District (MDC), Owner: Milagros And Ramon Del Valle, Contact: Lindsay Strole.

B. Application #2022-15: 109 Brookside Rd. Declaratory Ruling That The Proposed Property Does Not Fall Within The Regulated Area Pursuant To The Flagged Wetlands, Applicant: The Metropolitan District (MDC), Owner: Milagros And Ramon Del Valle, Contact: Lindsay Strole.

Chairman Sadil: Is the application...we just need that application, we just write a declaration then.
Mr. Hinckley: Correct.

Chairman Sadil: So may I have a motion...is the application complete?

Mr. Hinckley: Yes.

Chairman Sadil: Ok, thank you. May I have a motion for Application #2022-15: 109 Brookside Rd. Declaratory Ruling That The Proposed Property Does Not Fall Within The Regulated Area Pursuant To The Flagged Wetlands. Applicant: The Metropolitan District (MDC), Owner: Milagros And Ramon Del Valle, Contact: Lindsay Strole.

Acting Secretary deHaas: Move to approve the declaration ruling as the flagged wetlands remove the regulated wetland areas from the property known as 109 Brookside Road. No permit will be required for construction activities on this property.

Chairman Sadil: May I have a second from the Commission.

Commissioner Paskewich: Second from Commissioner Paskewich.

Chairman Sadil: Thank you. Final discussion. Ms. Gibbon please call the roll.

Ms. Gibbon: Commissioner Ancona.

Commissioner Ancona: Yes.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

Ms. Gibbon: Commissioner deHaas.

Commissioner deHaas: Yes.

Ms. Gibbon: Commissioner Paskewich.

Commissioner Paskewich: Yes.

Ms. Gibbon: Chairman Sadil.

Chairman Sadil: Yes.

Ms. Gibbon: Six yes.

Chairman Sadil: Thank you. All right so moving on to section seven Public Participation on Non Agenda Items, each speaker limited to two minutes.

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

Chairman Sadil: Mr. Hinckley do have anyone on the line?

Mr. Hinckley: There is no one on the line.

Chairman Sadil: Ok. Moving on to Item VIII, Communication and Reports, A. Agent Communications.

VIII. COMMUNICATIONS AND REPORTS
A. Agent Communications

Mr. Hinckley: So, the only communication I recently received is one of the members asked me to throw this out there for discussion amongst the committee. The commissioner has requested that in the
future certain types of projects, larger scale projects, require some 3D modeling to be part of the application. Currently that is not in our regulations. If you guys wanted to do this it would like require regulation change as well. Certainly on smaller projects I think that’s...

Chairman Sadil: Right, so if I may interrupt.

Mr. Hinckley: I’m just putting it out there for discussion for those that wish to...

Chairman Sadil: So my comment on that is I think like, like we had here last Carriage, you know Brooks, uh Carriage Hill Drive. I think that it would be a burden for individual homeowners, ok. But when we have fairly large applications, we’ve had two of them, one recently, you know, were much larger, you know, applicants do have the resources at their disposal. It can make it easier for the Commission to get a better lay of the land so to speak. Um, another item that concerns me is also, we talk about a map amendment and the soil survey; we had one recently there was not one photo in the entire package that described the area or even took evidence, objective evidence, of the boring. I’m saying just take a camera out go click and, you know, um, I’m not doubting the outcomes here, but it’s for documentation for posterity that we have something that there was some photographic evidence. I mean the profession has gotten very digitized over the decades, you know, it’s like everything’s almost going digital. So that’s one thing that concerns me. There’s got to be some sort of standard. Obviously for a homeowner, individual property owner, I don’t expect that. I wouldn’t want to put that in a reg. as a requirement however, when we have a much larger scale projects, that is helpful for us and that it will raise the bar a little bit when it comes to what the expectation might be.

Mr. Hinckley: Right. One option might be too, if you don’t put it in the regulations, is at the time when they’re making a presentation, if you guys feel that that might be helpful, you could request it of the applicant at that time and see what kind of push back or whatever you may get from them. But, you know, it’s, I think it’s reasonable to ask on some projects; certainly not all. I mean we we’ve had a couple in the last year that could have certainly utilized.

Chairman Sadil: And over the top, over the topographical stuff, you know, we’re not asking you add the full high-end presentation, but something that would show the site before and after to see where the property is going to be relative to the embankment, relative to some sensitive areas. I mean, I think that is available and some applicants have the resources to acquiesce to that. But, yeah, I feel some little tension back and forth to that. I sympathize, um, some better documentation could be in order in some application, in some instances. I guess it’s on us to push that as far as the applicant is concerned. They simply get...

Mr. Hinckley: Yeah, if require it, then it’s gonna be you guys...

Chairman Sadil: I’d say that would be unfair, extreme. But it some cases, it got a little short shrift in my opinion

Mr. Hinckley: I believe Commissioner Bachand has a question.

Commissioner Bachand: Yeah, I was just gonna say well that was my question when I asked about the difference in elevation between the pump station and the water level because. But I was just thinking Erik, you know on a road how they do the profile maybe that would be a compromise, because 3D sounds kind of complicated. In a profile it shows you all those you, you’re looking at a side view of the project in other words and I’ve never seen them presented to us like that.

Mr. Hinckley: True. However, like in some of the applications that we had that went through both TPZ and wetland. Typically in the TPZ package there’s like a road profile and some other profiles that that you guys don’t necessarily get for the wetlands in the future I can try and request those.

Commissioner Bachand: I think that’s easy, that’s already produced.

Mr. Hinckley: Right, yeah.
Commissioner Bachand: And it's basically, it's not 3D, but you're at least looking at the thing instead of like this you're looking at it like that.

Chairman Sadil: Exactly, in a cut plane versus looking down on it you, you lose easily the perception. Get numbers on the drawing, like you lose your sense of perspective about the...

Mr. Hinckley: Commissioner Paskewich has his hand raised.

Chairman Sadil: Go ahead.

Commissioner Paskewich: Yes, I'm in favor of this as far as making up a recommendation I think we need to have some paper document in place to support our request for an applicant to give a 3D profile as such. But we need to have the details written in that document so that they can read it, have it, we have it our record, it needs to be on record, not just a discussion requesting it that's my feelings are on that part. I'd like get a consensus on how we might move forward with that, whether we need a subcommittee to draft this or wetland staff can help us with that document. That's what I'd like to know where we're gonna go with that part of it.

Mr. Hinckley: I mean...I would...you guys are the body here so if you want to create a subcommittee to try and draft something if that's what the majority of the Commission would like to do we can work on that. I don't know if you guys want to take a vote on it, or need to, or have more discussion.

Chairman Sadil: No, we don't need to vote on it. What would be, Commissioner Paskewich, what would be the charge of that subcommittee? If you could be more specific, if you could frame the mission statement.

Commissioner Paskewich: The mission statement would be to draft a detailed recommendation with the guidelines regarding the 3D profile, or any part of it, be it topo, be it plan view, be it elevations. Actually, all we have to do is take a specification from a three day, a 3D profile for instance, and then put that into a document and have it on have it on board, on site and so we can speak to it and give that to the applicant as we request it. Am I being clear?

Chairman Sadil: So this is more of an optional kind of thing, you know, it's not part of the regulation or anything more like a standard in your opinion.

Commissioner Paskewich: Well, I'd rather see it in regulation to be honest.

Chairman Sadil: I don't want to go that far. I don't, I'm not up for that. That means everyone must comply at that point and again this is in special situations when bigger applications come in, um. unlike what we had on today's agenda. When a bigger application comes in, that is useful, but I consider about the applicability that's just as needed. I will let the applicant decide that. We can request that when they make their first presentation, we can make that a condition of our acceptance. I will vote in favor against them, but to complete the application I would say. That could be something that we could request, to make the application complete

Mr. Hinckley: That might be tricky if it's not in the regulations, because there's specific things in the regulations. Now if you were to ask for some documentary evidence and they did not provide it, I guess that would be grounds for you to possibly vote no, so you can Mr. Chairman.

Chairman Sadil: True. Go ahead Commissioner Bachand.

Commissioner Bachand: I was just wondering, like we should talk to someone like Mr. Bongiovanni and just find out is that, do they even have the capability of that, because I've never seen it.

Chairman Sadil: Yeah, it's out there, I've...

Mr. Hinckley: It's out there. Most software's you can do some 3D modelling in, I mean yes, you have to pay for that module, you know, I, you know, is every surveyor going to have that.
Commissioner Bachand: Is that used in TPZ or any other land use that we know.

Mr. Hinckley: I mean not locally. I don’t even believe that it’s in the model regs for DEEP.

Commissioner Paskewich: Well the purpose, my mission statement on this, is the following - we’ve had a number of significant projects that have had land changes in topography from existing to complete and there’s been many questions along the way from our commissioners regarding storm water runoff and things of that nature. Cut and fill, releasing timber off the land, and without something like that that type of a profile or just questioning, we’re not really getting answers and it seems to make the meeting more complicated. People have been stating well I’m not sure, I don’t know, I can’t figure it out, and this has been going on and off for quite some time with these larger projects. I’ve been on building development projects for over 25 years, I’ve seen these changes, but being on site and seeing the change from start to finish is different than being on this Commission and not seeing the start to finish, only working with paper; and a paper that provides those changes, I think, would be helpful to our commissioners including myself, because I do not see this to start to finish. I’m just here on this commission, you know, as a volunteer and not completely involved like I used to be overseeing building developments. So that’s how I look at it. It would be helpful to have that, but to keep talking about this Erik had a statement regarding regulations and Chairman Sadil mentioned that maybe we shouldn’t go into regulations, so I’d like to know where we’re gonna continue to go with this. I’d like to...I would like to get it in place at some point, sooner than later and have a vote on it, so Chairman Sadil I’m looking for your guidance here.

Chairman Sadil: I don’t have an answer today, right now. I’m just interested...go ahead

Commissioner Bachand.

Commissioner Bachand: Maybe we’ll try it, we’ll give it a run and we’ll give it a try you know put a project, like Erik said, we could request it and see if that works and see if we like it and, you know, is that, if that’s acceptable to...

Chairman Sadil: I think he wanted, Commissioner Paskewich, was something in writing, something formal, right.

Commissioner Bachand: Just to get a start...

Chairman Sadil: Commissioner deHaas.

Commissioner deHaas: Is there any way we can set-up a set of guidelines, where we know if your project exceeds this....

Mr. Hinckley: Right, those in there...

Commissioner deHaas: ...these are suggested pieces to include in your application to help.

Mr. Hinckley: Right, so again, that’s what you would probably have to put in regulations you know if you’re gonna go that way or you can come up with some type of guideline sheet to pass across the table, but then you really don’t have anything, you know, if they if you give this to them with the guidelines and in their project checks the boxes and they say oh I’m not I’m not gonna pay for that, I’m not gonna do it it’s not part of the application so it’s kind of hard to deny the application potentially based on because they didn’t want to do it. I mean, you’re kind of walking a fine line.

Commissioner deHaas: I’m leery it put in in the regulations before we understand...

Chairman Sadil: Right and I agree...

Commissioner deHaas: ...and the difficulty it may cause.

Chairman Sadil: Any change to regulation has go to TPZ and town council has to approve it. I think we’re gonna get push back on that big time so. But I understand, I understand where Mr. Paskewich is coming from, I felt that too, we are just as members of the community, we’re not civil engineers here,
land surveyors, you know, we sort of get overwhelmed sometimes with some of this information and know how to digest it all. That's the issue, so I want to do something, but short of regulations no, that's my feeling.

Commissioner Paskewich: All right I hear you Chairman Sadil and I agree with you. Let's table it for now, let me do some research on this, and see if I can come up with something in a in a manner which it is not too complicated or too enforcement um fluid if you know what I'm saying.

Chairman Sadil: Yeah.

Commissioner Paskewich: And at the next meeting with something and talk over, talk it over again. How does that sound?

Chairman Sadil: Thank you, I appreciate your efforts on this Commissioner Paskewich.

Commissioner Paskewich: You're more than welcome.

Chairman Sadil: Ok.

Mr. Hinckley: Other than that, I have nothing else. Gail, you have anything...

Chairman Sadil: Moving on to Section B, Town Council Liaison Communications.

B. Town Council Liaisons Communications

Councilor Budrejko: I got something that you might be interested in, this not necessarily as commissioners, but as residents of Newington, is tomorrow at 6:30 there is a public...

Commissioner Paskewich: I can't, I can't hear her.

Chairman Sadil: I think you have to come to the microphone.

Commissioner Paskewich: Sorry.

Mr. Hinckley: No problem Alan, hold on.

Commissioner Paskewich: Thank you.

Councilor Budrejko: As I was saying, it's not necessarily 100 percent relevant to this as Conservation Commission members, but as residents of Newington, tomorrow at 6:30, there's a special meeting, well actually there's a public hearing for charter revision recommendations, the Charter Revision Commission has completed their recommendations, presented it to the town council, and tomorrow at 6:30 there's gonna be a public hearing. Again, you know, if there is...some of the things that they have, there's a list of like 13 things that, you know, a lot of most of them are not necessarily significant, but a few things that are is there's a recommendation for changing the amount required for referendum in terms of, you know, study, in terms of what the amount is which would require referendum for building or major projects. That was one of the recommendations. There is a recommendation, for a few of the commissions, not this one, to change in the membership numbers, because well, as you can see, historically some of the commissions have had issues getting quorums and the fact that membership is defined in the Charter for a few of the commissions, there's a recommendation to maybe remove the membership to an ordinance. Also the residency requirement for the town manager has come forth as a recommendation, actually eliminating it. But the public hearing is for anything that anybody wants to talk about regarding any changes in the Charter. So again, as residents, you might be interested in.

Commissioner Bachand: There is one question. Are those proposals online could, we see them beforehand or if there is a draft on that.

Councilor Budrejko: Yeah there, if it's not there, it's certainly, you can get it through the clerk's office, call James and yeah, call James, but I do believe that because it is a public hearing...

Mr. Hinckley: Right.
Councilor Budrejko: ...that it has been put online. So go to the town website under town council for tomorrow’s special meeting. Thank you.

Chairman Sadil: I see Councilor Radda, she’s online tonight.

Councilor Radda: Yes I am and I have nothing more to add to Councilor Budrejko’s report. Thank you.

Chairman Sadil: Moving on to Item C – Pond Life Research and Education. Commissioner Paskewich do you have a report this month.

C. Pond Life Research And Education

Commissioner Paskewich: Yes, actually, um, part of it is related to pond life research but the first issue I have is not completely related, but it’s part of my research and it’s ongoing. I feel that since we’ve had some larger, complex projects in the last few months and there’s been a number of legal, um legal areas that have come up with attorneys, that have written letters or spoken on it from other sides of the applicants area, I personally feel, and hopefully for the commission, that we could use a consultant land use attorney, assigned to our commission, on as needed basis. It’s...this is done in so many communities here in Connecticut. Because I’m not a legal person, I don’t have a certificate and I do not want to have to debate with an attorney by letter, by verbal, or in court, without someone with that expertise speaking on my behalf, or the commission’s behalf, on something that might pertain to us personally, or as a commission, that could come up before us on an application and I’d rather not wait till that happens because we’ve come fairly close on a number of applications in the last six months. So, I’m proposing to this Commission, that we come to a vote on this, it doesn’t have to be tonight, and this would...this ability to hire a consultant to the town, as a land use attorney to this Commission, would have to move forward directly to the mayor, that’s what I been told, that’s what I think is the appropriate method to take because that’s the, the time, I don’t know if it’s in the Charter, but believe it’s regulation in the town of Newington, that the mayor of the town makes that decision. So, I’d like to propose that we think about it, vote on it, and if so we decide to do that, put together a proposal to the town mayor so we can move forward on this, so we just...

Chairman Sadil; I want to stop you there Commissioner Paskewich. So how would that be different than we already have a town attorney? Where would that work in this system of things? It’s a legal matter we have town staff, town staff consults the town attorney, if we want to have a question, a specific question.

Commissioner Paskewich: It would be specific to land use attorney who has history in case law past and current and is more astute in a specific area as land use and there are a number of persons that we’ve actually listened to at meetings over the years, I’m sure you attended, as well as I have, and John Bush on the CACIWC group and getting some Mark France and a number other persons right, I only want to name one or two, but just a number of these people that were helping out towns on a consultant basis because they are very knowledgeable in that area, whereas the town attorney, is not a land use attorney they’re not specific to that.

Chairman Sadil: No but I think that should go through the town attorney because if you cannot answer a question, we have one, he would consult someone that he, one of his uh, I don’t think we can, you know, yeah, he may not be a specialist but obviously it’s a place I would start.

Commissioner Bachand: I believe that’s how it occurred in the past.

Chairman Sadil: Yeah.

Commissioner Paskewich: The past can change. We don’t always want to rely on past because these legal issues are growing and they’re growing on this Commission, I can see it and that’s how I feel about it.
Chairman Sadil: I understand. Does anyone want to comment on that? Anyone here or on the phone wants to comment.

Commissioner Bachand: I'll just say I have to think about it.

Chairman Sadil: Yes, ok.

Commissioner Bachand: It's all new, so, I've got to think about that.

Mr. Hinckley: There are some towns that have a land use attorney and they attend TPZ meetings and the conservation meetings so they're always right here, on the spot.

Chairman Sadil: I don't think we need that here in Newington. I don't think people, but occasional it would be nice to consult someone. I don't want to put undue burden on the town and taxpayers. That is an expense. But again, we're searching for that middle ground.

Mr. Hinckley: I mean, if ever came up with application we thought was gonna be that controversial, we could reach out and potentially just hire one for that application and have them available if we didn't feel the town attorney was appropriate.

Chairman Sadil: So is there anything else on this topic Commissioner Paskewich. Anything else at this evening.

Commissioner Paskewich: No, I, John Bachand said he was gonna think about it and maybe we should table this also and think about it more and have a discussion at some point later, maybe when something comes up, but I'd rather be ahead of the game before we get in trouble. I'll leave it at that.

Chairman Sadil: Ok, thank you Commissioner Paskewich

Commissioner Conway: Mr. Chairman?

Chairman Sadil: Commissioner Conway.

Commissioner Conway: Can I just add that I would also like to table this and continue the conversation, think about it, before just dismissing it.

Chairman Sadil: I'm in favor of that. So, it there's nothing else, No. 10. Adjournment. May I have a motion to adjourn?

Commissioner Paskewich: Oh, there is, I do have another...

Chairman Sadil: Excuse me, I thought you said you were finished. Go ahead.

Commissioner Paskewich: We've had some applications where there's beena wildlife seen on wetland property at a number of places in the last six months and it's been hard to identify. People have not taken photographs to identify, including myself, and I'm finding out now that some of these wildlife are actually under federal protection and I did not know this prior to applications, this is new to me, so I'm going to look forward to applications where there may be wildlife present again, or on site that I may see or another Commission sees and I would advise taking photographs if you feel it might be a wildlife that you don't normally see here or you do see, so that if we find out it is federally protected that could be looked at closer for you know it's a protection. That's what I have to offer on that. Thank you

Mr. Hinckley: If I may on that point, the Natural Diversity Database is always checked for those sites and endangered species, if they exist in that area, noted on the map so that's why there's a note on every wetland application that has been checked and verified and I always verify the parcel as well.

Commissioner Paskewich: Yes and what I did hear from someone one of the last meetings, there was a discussion from that which I think John Bachand led on; he brought forth information that the national diversity data doesn't come from a specific agency person all the time, most of the time it comes from individuals that are walking the property, or are walking the woods, or have been walking around the
Chairman Sadil: I have a question. When we do a site walk, wherever, whatever application we're allowed to take photos. Is that legal, if we can take photos if we see something on a site walk could that be submitted as evidence on.

Mr. Hinckley: So the short answer is if their representative isn't there you shouldn't take a photograph because we get into what angle did you take it from, you know, what's the perspective. So going forward, as far as site walks, advice in the past was, you know, you know, no site walk allowed etc. etc. etc. Going forward, we are going to change that, we'll do site walks, the applicant will be present, the public will also be invited, it's a public meeting, there will be minutes taken, etc. So you would do a site walk before, you know, whatever, tonight's meeting would be a site walk wherever, you go, there we'd have a site walk, you'd ask you questions, we'd adjourn the meeting, come back here and pick back up. No onesies. So it's everybody together and if the public is not invited by the applicant then no site walk will be held.

Commissioner Paskewich: I agree with that. I feel it's more thorough documentation as a group than one person going out at one time and then another person going out. That way there it's more significantly recorded as more persons see what is there on site. I agree with that that change.

Mr. Hinckley: Well that's been brought about by some legal opinions and other stuff that...

Chairman Sadil: Yea, I'm glad you brought that up. Earlier in the year there was some training from UConn and they're saying you're not supposed to speak to anybody, you know, I was like, you know, you should go by yourself and that normally no one was supposed to comment, with the three of us there, we couldn't speak to each other. Is that going away now? Is there a new standard?

Mr. Hinckley: You know there different attorney's, different opinions and that's a recent one that we've gotten and I think we're gonna give that a shot. I mean, obviously. It doesn't mean every application needs a site walk.

Chairman Sadil: I understand, as appropriate.

Mr. Hinckley: Again, you know, that's on one of those things...

Chairman Sadil: I think it's a step in the right direction.

Mr. Hinckley: It's one of those things like when you hear the presentation like you vote whether it's a significant impact, require public hearing, you know. If you require a public hearing then you are probably going to require a site walk and that's gonna that's gonna trigger that.

Commissioner Bachand: I thought I read recently in one of the applications or in the application requirements that the applicant is approving the site walk that....

Mr. Hinckley: When they sign the application it basically gives, typically it's always been viewed as the agent and or the Commission to have access to the site.

Commissioner Bachand: That seems pretty specific.

Mr. Hinckley: Yeah.

Commissioner Bachand: I prefer to go on my own when I have a chance, you know, instead of an organized one, but that's my opinion.
Mr. Hinckley: Well, we'll see how it goes.
Commissioner Bachand: I could have taken advantage of that several times.
Chairman Sadil: All right. Anything else? We shall move on to adjournment.

IX. ADJOURNMENT
Chairman Sadil: May I have a motion to adjourn?
Commissioner Bachand: I make the motion to adjourn.
Commissioner deHaas: Second.
Chairman Sadil: Moved by Commissioner Bachand, seconded by Commissioner deHaas. All in favor?
Commissioners: Aye.
The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Susan Gibbon
Recording Clerk