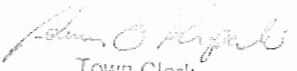


TOWN OF NEWINGTON
CONSERVATION COMMISSION
MEETING MINUTES

July 21, 2020

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Town Clerk

This meeting was presented as a Zoom Webinar/Meeting.

I. CALL TO ORDER

Chairman Sadil called the meeting to order at 7:00 p.m. via Zoom.

II. ROLL CALL

Ben Ancona III
John Bachand
John Casasanta
Kathleen-Marie Clark
Richard Lavariere
Andreas Sadil

Also present:

Erik Hinckley, Inland Wetland Agent
Susan Gibbon, Recording Secretary
Gail Budrejko, Town Council Liaison
James Krupienski, Meeting Moderator

*(*These minutes of the July 21, 2020 meeting are verbatim.)*

Chairman Sadil: As a point of order, I will seat Ben Ancona III for Commissioner Block this evening. Moving on to item III, Public Participation on Non-Agenda Items, each speaker is limited to 2 minutes. Is there anyone on the line who wishes to speak?

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

James Krupienski: At this point it appears that this individual doesn't wish to speak. If they wish to speak they can raise their hand if they are using the application or they can go to the panelist window at the bottom lower their hand with that or if they are on their phone, they can use star nine. I would say at this point, they're not interested.

Chairman Sadil: Okay, thank you. Moving on to item IV Acceptance of Meeting minutes for the regular meeting of June 16, 2020.

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of June 16, 2020

Chairman Sadil: Are there any additions or corrections at this time?

Commissioner Bachand: May I say something Andreas?

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: I didn't get a packet with the meeting minutes in it. Were we supposed to review them online? I'm sorry.

E. Hinckley: They were all sent via email along with the agenda. Because that is all we had was the agenda and the minutes.

Commissioner Bachand: Well, I obviously don't have any objections to them because I did not read them, so I won't be voting I guess.

Commissioner Lavarriere: A question.

Chairman Sadil: Commissioner Lavarriere.

Commissioner Lavarriere: Yeah I noticed that the Peckham Farm project was listed as old business on the agenda. I'm not sure if that's supposed to be still new business or not. Obviously, that's not the minutes but I just thought that I'd bring that up.

Chairman Sadil: All right, we'll discuss that under old business, under old business we will discuss that conversation. Are there any additions corrections to the minutes at this time? Seeing none, can I have a motion to accept the meeting minutes from the meeting of June 16, 2020?

Commissioner Lavarriere: Motion

Chairman Sadil: Motion by Commissioner Lavarriere, can I have a second? I need a second.

Commissioner Casasanta: I second that.

Chairman Sadil: Who was that? Was that Commissioner Casasanta?

Commissioner Casasanta: Yes, Mr. Chairman.

Chairman Sadil: Second by Commissioner Casasanta. All in favor?

Commissioners: Aye.

J. Krupienski: Hold on a second, I believe Ms. Clark has a question.

Commissioner Clark: I just want to ask, can you can you hear me? Not that I care that I was the person who would second the acceptance, but are we raising her hand or we just speaking up?

Chairman Sadil: Um. I've got a panel here, I cannot see you. I got a panel here on the list. So you push to raise your hand button. I can see you on my panel here. Just your name. I don't see you unless you speak, I see your face. I only see three people at a time.

Commissioner Clark: Okay, I understand that. But I just want to also say that when I read the minutes I just kept saying, I'm raising my hand, I'm raising my hand, I'm raising my hand. So my question is, are people using the raise your hand function or are they just speaking in order to be heard.

E. Hinckley: They should raise their hand just to keep it in some kind of order, and we'll watch the screen for who has raised their hands and we can call on them that way. Just to keep it sane.

Commissioner Clark: Thanks.

Chairman Sadil: Ok, the minutes have been seconded by Commissioner Casasanta, all in favor?

Commissioner Lavarriere: Aye.

Commissioner Clark: Aye.

Commissioner Casasanta: Aye.

Chairman Sadil: Ok so we have four yeas and one abstention from Commissioner Bachand. You have that Ms. Gibbon?

S. Gibbon: Yes, I do. I'm sorry, I had to unmute. Yup, I have that.

Chairman Sadil: Thank you. Just get it for the record. Thank you. Moving on to New Business, Application 2020-08, 148 Winslow Drive, For Grading In The URA, Owner/Applicant: Michael Pitkin, 148 Winslow Dr, Newington CT 06111.

V. NEW BUSINESS

A. Application 2020-08, 148 Winslow Drive, For Grading In The URA, Owner/Applicant: Michael Pitkin, 148 Winslow Dr, Newington CT 06111

Chairman Sadil: Can the applicant come forward?

M. Pitkin: Yes, I'm here.

E. Hinckley: I will give you a brief overview before he starts Andreas and then James can put that drawing up as well for Winslow, if you'd like. I got a call from a neighbor about some activity in this individual's yard and I went out there and no one was around at that time, but there was evidence of some grading. So I sent him a letter and as soon as he got the letter he got in touch with me. He explained to me what he was trying to do. He realized that there was a small waterway down in the corner of his property. He didn't realize about the buffer area, so we had a discussion about that, a little education about, you know, wetlands and review area, but his intention was basically, he was basically moving material around within the regulated area from one side to another, to make his rear yard, a little more level. We also had a discussion about future installation of an above ground pool that he had wanted to put more within the regulated area and our discussion. He's got actually going to pull it out and put it in that little notch that you see there at some point in the future, not, not this year, I believe. So he's restored the area; he seeded it, he installed silt fence. So he's here to get the permit for the grading and then going forward, if this pool does fall in the regulated area, he will, you know, get that as well. Some point. So this is what he is here for this evening. He's been very amenable to anything I've asked him to do so far. I was also were there with the town engineer at one point and looking at it because the chairman, Mr. Sadil wants to know if the grading was going to affect the hydrology in any way and the engineer said absolutely not. So here we are today, so I guess, Mr. Pitkin can discuss a little bit more about his project, then you guys can ask them questions going forward.

Chairman Sadil: He needs to state his name and address for the record.

Mr. Pitkin: My name is Michael Pitkin, I live on 148 Winslow Drive.

Chairman: Thank you.

Mr. Pitkin: Well, as Eric said, I was taking soil from one side of the property, which was sloped down to the other side. I was taking some soil from the high side of the property to the lower side of the property to level it out. All the areas that I was effecting were existing grass areas in the backyard and at the time, before I got the letter from Eric, I did not know I was in an upland review area. Um, I knew that there was, possibly some of the brook was in the far bottom corner of my property, but I did not know that uplands areas existed. At one point, I did go to the town hall, when we first bought the house, I asked the building department for a plot plan and they gave me a plot plan. I asked if there were any restrictions on the property, the Secretary said none that she knew of, that was all she had on the property, so I did not know that there was a restrictions on the property and it was a surprise to me when I got the letter in the mail and as Eric said, as soon as I received the letter I called him and made an appointment for him to come out and discuss what was going on and I ceased the project that was going.

Chairman Sadil: I have a question for Mr. Pitkin. So where exactly on the map would this? Well, first of all, how would you describe the perimeter on the lots, we have a wetland line per town map that's the wooded area that's shown there. That's a wooded area along that line.

Mr. Pitkin: Where is that? I'm sorry.

Chairman Sadil: Someone was moving his hand, I can't...

E. Hinckley: I think Mike, I think that they are talking about the wetland line there.

Mr. Pitkin: Ok, I'm sorry.

E. Hinckley: Yep, and I think they just want to know, you know, is it wooded, it is it shrubs; it's like you described. The area where you working was a lawn area and then farther back you can discuss.

Mr. Pitkin: Yes, it's wooded it in the back area there. I cannot see the brook from where we are it drops off pretty tremendously down to the rock. I actually hadn't gone down and seen the brook. I've been here for two years. And after I got the letter I took a walk down there to actually see the part of the brook that was on the property, but it is pretty much past that 80 foot line, where the area of disturbance is wooded, it is wooded from that area back.

E. Hinckley: So basically, if I can just interject here, where you see the silt fence on that line. There's woods behind that silt fence down to the brook and he did not remove any trees. There was one damaged tree from an old lightning strike that was there that is in, was in the upland review area near a shed and that was taken down the stump is still there.

Mr. Pitkin: Yeah, it actually had fallen and was eaten I think by black ants or something. It had fallen on the house this time last year.

Chairman Sadil: I see, basically on the lines here, the backyard, they are sort of sloped down in the left hand corner, we see steep, steep lines there in the upper left hand corner.

Mr. Pitkin: Yes, correct.

Chairman Sadil: So my question relative to the hydrology. Is there anything there to slow the water down? Obviously, you have a steep slope, you go from 78 down to 74 and it tilts over to the left. Um, any long term erosion control there. Obviously, we get, you know, a lot of rainstorms, heavy rains, you have a grassy area, but you have quite a bit of runoff. Some of it will go, most of it I would think, based on the grading of the slope of the topography of land, it's just going to slope into that area. What type of vegetation is in there just to slow that water down going into the wetland. My concern is for long term erosion there.

Mr. Pitkin: There's not much there. It's just wooded. There's not a lot of vegetation.

Chairman Sadil: That would be only my only recommendation. Yeah, we want to have some of that water percolate down into the soil to the earth versus running just running off straight into the into the wetland. That would be my only question. That's why I asked that Erik is there something that to slow that water down, make a recommendation to have long term erosion control. Obviously the roots can keep, you know, the roots eventually get eroded over time through, through flows from the runoff. That's my only concern in there is something that we can improve and slow that water down, before it goes down, can percolate, before it all runs down, it's going to go to the wetland into the stream, but that that's the only area that sensitive because it is a very steep slope by your lines there that's a pretty steep downslope. Am I correct?

Mr. Pitkin: Correct, is it, are you talking like down near the brook itself?

Chairman Sadil: The wetland line per the town map, you see that dotted line there?

Mr. Pitkin: Yes.

Chairman Sadil: I mean, you have your slope. Yep, you're grading there, but it appears that the slope goes down into the left they want. If I'm running water, I want to go into that corner, the ground into the wetland right. So that's my only concern is that could there be long term erosion. If the thunder vegetation to stabilize the embankment there.

E. Hinckley: Um, if I can point out, Commissioner Sadil, I've been out there. It's kind of a heavy canopy down there, so there isn't a lot of grass or some small shrubs back in there as you get closer to the brook, and I believe that Mr. Pitkin was also amenable to potentially planting plants along the edge there are some, you know, perhaps some blueberry or something of that nature, flora and fauna, and that would help remediate some of what you're talking about.

Chairman Sadil: Has the applicant acquiesced to that requests. Can we have a list or something in the plan or some just a little table and it to the drawing here that...

Mr. Pitkin: Absolutely.

Chairman Sadil: That will be done in the near future, when the time is right to, as a condition to that, that part of the lot stabilized.

Mr. Pitkin: Yes, I'll do some native plants there if Eric has a list of all those types of plants. I have no issues whatsoever with doing that.

E. Hinckley: Yeah, I can get that and we will make that a condition when we go to vote at the next month, perhaps and you know will plant them in the correct time of year, etc.

Chairman Sadil: The only other thing I will add, is there anything stockpiled in that area, in that upland review area, some timbers, branches, or maybe some type of paver blocks, anything like that?

Mr. Pitkin: I do have a woodpile back there from the oak tree that fell, that's in the upland review area and I have some bluestone, back there, in a pile back there

Chairman Sadil: Could that be moved out into some other portion close to the house, the out of that wooded area.

Mr. Pitkin: Yes, I can move that is it okay if I leave the... yes, I can, that's fine, yes, I can move it out.

Chairman Sadil: Thank you. I will open up to other Commissioners, that's all the comments that I had. Thank you. I'll open it up, bare with me now, I'll go to Commissioner Clark, I'll go to you first, how's that?

Commissioner Clark: Sure. You can hear me. I just, um, I assume that the trees area, this is addressed to Eric since he probably would notice, that these trees sound like they've been long standing and probably are what's keeping the brook, the slope under control at this point in time and that sounds promising to me, trying to picture it, but can you show me on the map again where the trees begin.

E. Hinckley: Um, basically where you see the silt fence line.

Commissioner Clark: Yup.

E. Hinckley: Anything going down towards the brook, down to the left, that's all wooded and it gets a little more heavily wooded as you get down towards the brook, and like I said you're not getting a whole lot of sunlight through there. So, you know, you do have some bare spot ground areas. Anyway, you do have a lot of underbrush and, you know, a lot of these trees are a minimum of eight inches and up.

Commissioner Clark: Yeah, they sound like, that sound like something that might be doing a lot of natural stabilization anyway. So that sounds good to me.

Chairman Sadil: Ok, so I'll go to Commissioner Bachand next.

Commissioner Bachand: Oh, did I have my hand up. I did want to speak. But I would like, I didn't know if I had my hand up and I was looking for the feature of where even raise my hand. So, but I'll speak now, if I can.

Chairman Sadil: Ok, go.

Commissioner Bachand: How much fill was brought in here?

Mr. Pitkin: There was no fill brought in, it was all...

Commissioner Bachand: Just grading.

Mr. Pitkin: From the property, correct.

E. Hinckley: Moving material around within the same area.

Commissioner Bachand: So, from the right side to the left side.

Mr. Pitkin: Correct, yes.

Commissioner Bachand: So you tried to level it off. That'll slow to water down a little bit by itself. I just wondering why, and this is for Eric I guess, how the upland review line has a 90 degree bend in it. It's a little strange.

E. Hinckley: It's just, it's just the nature of the way the other wetland line goes off the property, okay, it kicks, it kicks the other way on both sides as well.

Commissioner Bachand: My only other comment was regarding the use of the property in the upland review area. Andreas mentioned, you know, to move things out of there. But I mean we have to allow, I think we have to allow, where I think it's allowed, accessory use of the property that's not a construction activity or like storing firewood or things like that. Is that something that we shouldn't allow in upland review area? That just be my only comment.

E. Hinckley: It's, you know, what triggers the wetland, a wetland permit is the disturbances of soil or deposition of material. We've had a couple cases in the past, since I've been here, dealing with piles of firewood and they typically have not been pursued, it's been discussed with the homeowner. And, you know, I mean, it is what it is.

Commissioner Bachand: I'm sorry, but a stack of firewood is different than a pile of compost, is what I'm saying. A stack firewood, if you're going to use it, you're going to, you know, add to it and take it out, but I understand what you're saying. You know, anywhere you go in town you can see people who probably similar to this, don't realize they're in an upland review area and they have a compost pile or even worse yet, they go across the street where it's not even their property and they're using it as a compost pile. So you see that all around town.

E. Hinckley: Right. So it's really up to you guys if you want to pursue the firewood issue and remove it. That's, like I said, I can't think of a case where we've technically done that before.

Chairman Sadil: Does the applicant want to comment on that. How big is this stack, can it be moved out and closer to the house or beyond the on the other side of that silt fence line that you have here.

E. Hinckley: I think that was for you Mike.

Mr. Pitkin: I'm sorry. I can move the woodpile on the other side of the silt fence, I have no problem with that. I just don't want to put it too close to the house for bugs or you know if there's anything...

Chairman Sadil: I think there's some space there to move that forward in, to the edge of the property, just to get it out there and..

Mr. Pitkin: Just outside the wooded area. I guess I have no problem with that. It's, it's...

E. Hinckley: I think that's fair.

Mr. Pitkin: Ok, thank you.

Chairman Sadil: Commissioner Bachand, anything else?

Commissioner Bachand: I've just one more observation, the silt fence that was put in at the request of the town, Erik?

E. Hinckley: Correct. Yeah, when I went out there and had the discussion with them because it was still it was you know recently graded. So, you know was just soil material. He actually had it hydro seeded within a couple of days when I was out there and he installed the silt fence and it currently is germinating fairly well, I believe.

Commissioner Bachand: And how long would that normally have be required to stay there.

E. Hinckley: We like it there until the grass is germinated, so we just don't want any soils migrating down there. That's all.

Commissioner Bachand: So I was just thinking along what Andreas' line of slowing down erosion, if the applicant didn't mind, if it's not unsightly from his house to leave it there as long as possible and that will allow, those things eventually clogged up and really slow water down. I know we've had this argument even about that before silt fences slow water down, but they do eventually, especially when they get debris built up behind them.

E. Hinckley: Absolutely, I'm, you know, I'm sure he's probably amenable because I think he is doing some other stuff up near the house outside of the regulated area as well so...

Mr. Pitkin: That's okay. I'll leave the silt fence up.

Commissioner Bachand: Ok, I have nothing more.

Chairman Sadil: Thank you. Next I'll go to Commissioner Casasanta, did you have any comments for the applicant, questions.

Commissioner Casasanta: I had to unmute my mic. No, I think that most of my concerns were covered by you, Mr. Chairman and from what I've heard of the discussion, and what the applicant has indicated, I think that we have a solid plan of action going forward to protect the wetland, the upland review area, and mitigate any damage to either of them. So I'm happy with what I heard.

Chairman Sadil: Thank you. Next, Commissioner Lavarriere. Do you have any comments or questions for the applicant.

Commissioner Lavarriere: No comments or questions. Thank you.

Chairman Sadil: Commissioner Ancona, do you have any questions?

Commissioner Ancona: No questions.

Chairman Sadil: All right.

Mr. Pitkin: Thank you.

Chairman Sadil: I think that covers everyone. So I think we have a few action items, two conditions, we want to add to this application Mr. Hinckley, but I think we can table this and look at the formal permit at the next meeting, at the August meeting.

E. Hinckley: Absolutely.

Chairman Sadil: Thank you Mr. Pitkin.

E. Hinckley: I'll get in touch with you and have a discussion about the plants and whatnot.

Mr. Pitkin: Thank you.

Chairman Sadil: Can you still hear me?

E. Hinckley: We can.

Chairman Sadil: All right. Moving on to Item VI - Old Business, Application 2020-01, 68 Deming Street, For A Subdivision Within A Regulated Area, Owner/Applicant: Roger Peckham, 6 Judge Lane, Newington CT 06111.

VI. OLD BUSINESS

- A. Application 2020-01, 68 Deming Street, For A Subdivision Within A Regulated Area, Owner/Applicant: Roger Peckham, 6 Judge Lane, Newington CT 06111

Chairman Sadil: Is the applicant here?

E. Hinckley: Yeah, if I can speak to this real quick before Mr. Bongiovanni gives his presentation. So a couple of points have been brought up. This is under old business typically only because it was on new business on a couple of different occasions in meetings, one meeting was cancelled due to COVID, another one the applicant backed out of the meeting at the last minute because his drawings weren't ready. However, just so we're all clear, there is not going to be a permit, a wetland permit, issued for this site because they are not disturbing anything in the regulated area. However, the Commission does have to acknowledge a subdivision on property that contains regulated area, i.e. the wetlands and the buffer. So that is really all it's going to be is an acknowledgement for the Commission, because TPZ can't act until they have that acknowledgement and this is in fact you and TPZ reg. that we have to do this. So moving forward, I think Mr. Bongiovanni is going to give a short presentation on this item, and you know, you can ask him some questions, but really there's nothing that we're going to condition or, you know, or vote on. I've already had a discussion with the Town Planner, Craig Minor, as to the conservation easement and TPZ is amenable to that and I believe they've already requested that and Mr. Bongiovanni can discuss that as well, give his presentation for our edification, and to move forward. So if you guys have any other questions or feelings about it I would suggest you go to the TPZ meeting where they may present this, and I believe, it may be even tomorrow, I'm not sure. Anyway, so I'm done. So Alan would like to speak and James can put up whatever slides he needs.

Alan Bongiovanni: Thank you Erik. Good evening members of the commission, staff. For the record, my name is Alan Bongiovanni, 170 Pane Road, Newington. I'm a licensed land surveyor and I'm representing Calvin Roger and Donna Peckham and this application for a subdivision. As Erik stated, there is a wetland on the corner of the property itself actually a man-made farm pond. As James to go to our grading sheet we can have a graphic. You can see where that is in the lower right hand corner. A quick Reader's Digest version of the property: it's 12 acres in an arc 20 zone. It's bounded on the north by Griswoldville Road, on the east by Deming Street. Our proposal is to construct an 850 foot road opposite from Deming Farm Drive terminating in a cul-de-sac and allowing 18 single family residential lots to be built, similar to the Barn Hill neighborhood or the north, the Waverly neighborhood. The light blue in the lower corner of the property is the actual pond. If you look at that

area there's boxes around it. The wetland actually parallels that within a few feet of the of the pond. James, if you could zoom in on a lot of 11. Thank you. So the pond is light blue, the wetland flags and the wetland line is right around that. You see, just above the lot 11 line is a dashed line, that's the hundred foot regulated area, all our work is going to be done outside of that area, everything north of the tree line, the dark green is wooded areas, everything north of that is hayfield. Its hayed a couple times a year, it's been that way for as long as I can remember, probably 40 or 50 years. Most of the water that comes in this area actually bypasses this wetland area and then runs to the southwest and then to the neighboring properties to the south. Again, we are not proposing any work within this regulated area. One of the comments that came from Planning and Zoning was consideration of putting a conservation easement on this area to protect the wooded area and the pond. We've hired Jen Benno from Soil Science Environmental Services who reviewed the property, reviewed the conditions around the pond and actually, she had recommended that it'd be a 50 foot regulated area that 50 foot allows all the wooded area to be protected in perpetuity and beyond that, up to the hundred foot, the Commission still has the right to regulate anything that happens here in the future. It is our proposal, the developers proposal, that nothing be done in that area and be left as wooded area and the upland review area left is a hay field. I think that concludes my presentation.

Chairman Sadil: Thank you Mr. Bongiovanni. I have a few questions relative to the easement itself. Everything I see here in that dark green is in the easement, but when you talk about the 50 foot and 100 foot buffer, does this dark green area include or is this more than what is going to be in the easement?

Mr. Bongiovanni: If you look just below the label of Lot 11 there is a line that has angles with dashes on it, longer dashes, that's the limits of the conservation easement. We did it 50 foot parallel to the actual wetlands line as flanked.

Chairman Sadil: Okay, I see. Now, the whole point of this motion this evening is that for lots 10, 11, 12, maybe 13, maybe not, have to pan over. Well, at least on this view it's 10, 11, 12 whoever purchases that lot has to understand that that easement is there and that no structure can go within that 50 foot easement.

Mr. Bongiovanni: Correct.

Chairman Sadil: And that's basically the purpose of our, of the motion that we're going to consider this evening.

Commissioner Bachand: If I could just mention, there is no easement on 12 and 13, it's only on 11 and 12.

Mr. Bongiovanni: 10 and 11.

Commissioner Bachand: Yeah.

Chairman Sadil: 11 Yeah, fair enough, 10 and 11 that's, thank you for the correction there, but that's the purpose we have the of the motion this evening is that the homeowners will have to acknowledge that and that anything that is a restricted area and that's basically what we're acknowledging on the development.

Mr. Bongiovanni: Mr. Chairman, if I may, language would be included in their deeds, that there is restriction on the property, as well as shown on the subdivision maps, and the plot plans for the homeowners.

Chairman Sadil: Okay. Um, I got a question on the retention pond and the flow of the water. On one in the earlier drawing, you show where the water flow is going right down slope. Okay.

Mr. Bongiovanni: I think it would be best....

Chairman Sadil: I beg your pardon Mr. Bongiovanni.

Mr. Bongiovanni: It James cold go back to the whole grading plan and not this [slide], so we could talk about that area. Thank you. I'm sorry Mr. Chairman.

Chairman Sadil: Yeah, so I see the arrows there starting at lot 12, there's an arrow there and it's like a swizzle, I assume that's a depression...

Mr. Bongiovanni: Yes.

Chairman Sadil: It is a depression there and another depression, like a stair step, is that, am I interpreting that correctly.

Mr. Bongiovanni: Those contours indicate that it's a swale being created so that we direct...

Chairman Sadil: An inboard swale.

Mr. Bongiovanni: Right.

Chairman Sadil: So you're going through this triple or quadruple stair step before you get to the detention basin, correct?

Mr. Bongiovanni: Yes.

Chairman Sadil: Now, I guess in an ideal world, the water will flow down that route into the retention basin and then what is the capacity of that, what I'm really getting at is, you know in an ideal world it'll capture the water for certain amount of time, and then if that's overflowed, it's going to go down into what is that water go number one, number two what cannot percolate whatever that water is in there, could that go with the groundwater and go into the wetland you fall to hydrology without water seep down instead of, if we're really at a heavy storm instead of going to the west or to the left in this case, could that go into the wetland that's immediately down on the south side here and beyond that, because that stream goes down it goes past on Waverly I think, what's that that street called, Waverly.

Mr. Bongiovanni: It's Winding Brook Lane and it actually traversing south.

Chairman Sadil: Winding Brook, excuse me. Is there. How does that hydrology work. Okay, you're not going to impact the flow, it should stay on that on this development, but it goes in seep down and the water table affect what's going on in the wetland and what's going on on Winding Brook. How's that, how's that all work. Describe the drainage

Mr. Bongiovanni: Certainly one of the features of this piece is in the southwest corner we actually have some very permeable soils. Our initial design was to create an infiltration basin. We did permeability test, we did several boards at different occasions, we've had it inspected by Max Welti, our town engineer visited site several times during some of this work. Our initial design was to have an overflow, but basically, have it as a base in that infiltrated into the ground. The town engineers take on how that should be designed was such that it didn't make sense to continue to have it as a retention basin that percolated into the ground. So we designed the traditional detention base in an existing town of Newington drainage easement just to the south on property of it says Nelson and Patricia Feliciano. We have an outlet in that area. But the way we've designed this is that we know a certain percentage of all rainfall will percolate into the ground. We have some decent sand and gravel material in that area, so we've designed it as if it didn't have it, to meet the requirements of the town engineer. But in all practicality it will function, it will provide water quality of provide groundwater recharge. It's a really neat little low impact design, if you will, but it's going to be handled as a detention base and it will be metered out what doesn't flow into the ground percolate into the ground metered out. We didn't test the groundwater, groundwater was an excessive 18 feet below the grade. We didn't find any signs of modeling or staining in the soil that would indicate seasonal higher ground water higher than that and

what we've provided in case of some catastrophic event, we've provided overland relief that water would go out to Deming Street and that's at the west side it looks like a little driveway there and it actually is a service driveway if maintenance had to be done, a service way I should call, it's not going to be a paved driveway. But that provides overland relief. So if this was to fail, which I couldn't imagine how, but if it was to fail it could flow out to Deming Street and then go down towards the brook and save any damage to property.

Chairman Sadil: So no impact to the adjacent, what I'm asking here, is that further down on the other side on this flow where this stream goes that does not go on this property here, but it's on Winding Brook, there's going to be no impact are we going to see increased water. If we have a catastrophic storm will that and then turn that flows into the another development, I think it is Newington Ridge behind there goes over the, underneath the, street and then in circles around and winds up in that that grove of trees, that marshy area that's adjacent to the Berlin Turnpike.

Mr. Bongiovanni: It's not because we've designed this system. Forget the benefits of infiltration because we didn't take credit for that. But we've designed this as detention basin and so that it will meet or the flow out in all storms between two and 100 year event at a lesser rate than it does today as an open field, it will be reduced significantly and our drainage computations that were submitted to the town engineer support that.

E. Hinckley: Correct. They are currently being reviewed.

Chairman Sadil: What was that Mr. Hinckley?

E. Hinckley: I said they're current, you know, I believe they've finished comments and I don't know if Alan's addressed everything or if they have any more comments, but it has been reviewed by engineering staff and the town engineer.

Chairman Sadil: Thank you. Those are the questions I had. I'm going to around again and see if the commissioner have anything. Commissioner Clark - do you have any questions for the applicant?

Commissioner Clark: Um, I have a question for, I believe more for Eric and for the applicant's representation and I have the statement I assumed this was that we're going to state about that. Erik did you distribute this to the entire Commission?

E. Hinckley: No. No, that's your motion. You know if, when, you guys decide to, and you can guys can chew on that, if you like.

Commissioner Clark: Great. Okay, so I won't, I won't refer to it. But what I wanted to ask is, and I do appreciate Mr. Bongiovanni informing us of what will show up in the deed, because we've had, I believe in the last 12 months, two circumstances that involved conservation easements that either were not understood by the homeowner or in one case, a business owner. I wonder when language like that appears on a deed, because we're just, again, going forward, and just making a statement, knowing that the applicant is within the letter of the law. Does that make any sense to, in addition to our statement, I just like to figure out a way to connect with homeowners since a general statement about conservation easements in a way that will not cause a) violations and b) disappointment on the end of the homeowner. Is what I'm saying make any sense? I don't know if adding language to the statement that we're going to make, makes any sense or is this the way always been forever and we just have to count on it working and we've seen circumstances in which it doesn't work and it doesn't seem like there's much recourse.

E. Hinckley: Here's what should happen Kathleen and here's typically what will happen. The developer is going to grant us the conservation easement, when they sell any of those lots that contain the conservation easement, the buyers, through their attorneys or title companies, should be made aware at the closing of the restriction of the property, the conservation easement. You know, and,

typically than always happens now, over time, people forget or they choose to ignore and they want what they want and they do things. You know that is where we, you know, kind of get into things. But typically, I don't think there's much else we can do because, and it's also noted on the deed that there is a restriction in the refer to the conservation easement. So they're aware of it, you know, they should be told that they're closing by their attorney and or their title company.

Commissioner Clark: Okay.

Chairman Sadil: I sympathize with Commissioner Clark. There was a year or so ago, an application on Vincent Dr. I remember Commissioner Bachand was familiar with this and the language was pretty clear on the easement on that property and they wanted to put a structure inside the easement and there's really nothing we can do. It was put in there by the adjoining, the abutting property owners and it was pretty clear language that that was not allowed for the easement because that's was with a condition to grant, to sell the property and that homeowner lashed out on the Commission publicly at us, that we were the bad guy. So I know where she is coming from, it was very distasteful experience, was a very nice lady, but the language was what the language was and it was a very distasteful event and that's what Commissioner Clark was bringing that up. That's what I thought of and that is why it was one of the first things I asked you Mr. Bongiovanni, that incident, um, was that the reason why. So I'm sensitive to what Commissioner Clark is saying.

Commissioner Clark: I'm not sure where I am, and the other is Louis St. That's the other conservation easement issue that has come to mind in which extensive landscaping was done that bore no resemblance to leaving things as they should be and we kind of inherited that down the road as well.

Chairman Sadil: Do you have anything else Commissioner Clark?

Commissioner Clark: I'm sorry what, what, hold on.

Chairman Sadil: Do you have anything else for Mr. Bongiovanni?

Commissioner Clark: I'm not sure, did you just hear me?

Mr. Bongiovanni: I did, I did.

Commissioner Clark: Okay, cool. I'm sorry I couldn't tell if somebody was, you heard me or not so...

Chairman Sadil: Was there any further question Commissioner Clark? Want me to move on.

Commissioner Clark: No, no. As I said, I just thought I'd raise it since here we have it in it in real time before these homeowners exists and now I understand what will show up on the deed and hopefully they will pay attention.

Chairman Sadil: Ok, thank you. We go to Commissioner Bachand next.

Commissioner Bachand: Um, I just have a couple of comments. One of them is kind of an anecdotal supportive was what Mr. Bongiovanni said about the percolation in the area. If you notice up on the corner There are gravel pits in that area so that the soil. There is definitely different from the rest of the love more level or part of the town. Let's put it that way. So I tend to accept that statement that the there is better percolation in that site than there is in, let's say, the center of town or whatever less clay and more of the bank run gravel type material that's why they dug it because it was a valuable material. And the only other one was the issue about the and I know we don't have any control over this anyway, but where he mentioned that the upland review area, it would remain a hayfield, I don't know, I doubt there's anything that would prevent the homeowners, or future homeowners from mowing it and maintaining it. So then again I appreciate that we have no control over that anyone. That's it.

Chairman Sadil: Thank you Commissioner Bachand. I'll move on then to Commissioner Casasanta. Do you have any questions for the applicant?

Commissioner Casasanta: No, Mr. Chairman. You covered everything and Commissioner Clark covered everything I was concerned about.

Chairman Sadil: Thank you. Commissioner Lavarriere?

Commissioner Lavarriere: Yes, I have questions about lots 11 and 10 specifically, um, I went down to this area on back I believe that was in March or April. I like walked through the whole area and there's a slope that goes down towards this wetland barrier that appears to go through most you know traumatically through last 10 and 11 and I'm concerned about the placement of the houses that may not be within this regulated area, but whether or not they're going to affect the flow of water that could go down into this waterway and I'm not sure that if I was provided anything that addressed this, because I mean there's 15 pages or so of materials and they were looking at page five here, but I mean I'm concerned, you know, I'm not an environmental science scientists by any stretch, but I'm concerned about whether structures on 11 and 12 pose any threat the integrity of the water area.

Mr. Bongiovanni: So the reason we did sheets number 5 of 15 for display tonight is because it shows the contrast, it shows the existing contouring and the proposed grading and the light lines the dashed lines and the lighter color are the existing contours and the heavy lines that extend from the houses and such, with the boxes that have a numeric labels for their elevation, are the proposed. And the way the water flows, it goes in a southerly direction, but as it gets beyond into the back of Lot 11 and then lot 10, that water kind of turns the kind of turns and goes in a southwesterly direction. There will be some water from the regulated area and some of the rewards that will go towards this pond, as it does today. But the most of the area that we're regrading is going to be directed similar to the natural flow so that it bypasses upon. We're not directing any additional water to this and we're probably reducing in some small amount the amount that flows to it. You know, you talked about the sloping. It's very steep slope, it's, it's not 100 feet high, but it's an eight or 10 feet and worse at the highest point north of the pond. It's a very thick vegetated area. It's very hard to traverse especially this time of the year. It's well stabilized. It's been supporting that bank, that existing vegetation, for decades without any erosion or problems there. So we're very confident in the way we've designed this. I know we worked very closely with the engineering department on the surface runoff and how we were to direct that and I'm very confident that what we have will have no degradation on the quality of the water in that pond. That's a spring filled pond that was dug as a farm pond to provide water for the farming operations.

Commissioner Lavarriere: This is Commissioner Lavarriere again. So you said that you don't think that it would produce more water in the area. Do you think that it would reduce the water in the area?

Mr. Bongiovanni: The watershed is probably slightly reduced because of those areas where we're grading around the houses and where people are apt to fertilize. We want to direct that water and those lawn areas away from the pond so we don't get, you know, undo amounts of algae bloom and things like that from too much nitrogen, which comes from the fertilizer. So that's why we've shown the swale along the back of lots 13 and 14, so that water will go to the detention basin and that water is going to, for the most part, and in most events, is going to percolate into the ground and have natural purification.

E. Hinckley: Right. And then, as Mr. Bongiovanni pointed out, that is something engineering department looks at; we do look at the impact of the wetland and with the use more now with fertilizers for grass here, you know, some of the water does get directed way, yes, but that's for the betterment of the pond overall.

Mr. Bongiovanni: Again, this pond is not fed by, I mean, there is some surface contribution, but it's spring fed. It doesn't freeze in the winter. It comes out of the earth.

Commissioner Lavariere: That's all the questions I have at this time. Thank you, Mr. Chairman.

Chairman Sadil: Thank you both. Finally, we go to Commissioner Ancona. Do you have any questions for the applicant?

Commissioner Ancona: No, I have no questions. All set.

Chairman Sadil: Ok, go ahead.

E. Hinckley: Commissioner Sadil, I'll just point out that the attendee has their hand raised. This isn't typically a time when they would speak so I will let you; I assume they have a question about the subdivision; it's up to you how you want to handle it.

Chairman Sadil: There is someone from the outside?

E. Hinckley: Yes, the attendee.

Chairman Sadil: Ok. Can we entertain that persons question?

J. Krupienski: You can if you like.

Chairman Sadil: Please proceed. Can you please identify yourself for the Commission.

J. Krupienski: We're not quite there yet. I'm asking them, and if I can unmute them. So we have to get permission first. They're either not acknowledging or aren't are unable to...

Chairman Sadil: At this point we will proceed.

E. Hinckley: Okay, so at this point if you guys would like to make a motion to acknowledge the subdivision, I gave some sample language to Commissioner Clark.

Chairman Sadil: So I'll turn it over to Secretary Clark, do you have a motion to submit to the Commission regarding the easement, the subdivision. Excuse me.

Commissioner Clark: Okay, so you can hear me right now.

Chairman Sadil: Yes.

Commissioner Clark: Oh, good. Yes, I have the language. Would you like me to read it?

Chairman Sadil: Please.

Commissioner Clark: Or are we making a motion first?

Chairman Sadil: Yes, I would like to have a motion to acknowledge the regulated areas in this subdivision.

Secretary Clark: Well, I'm going to make a motion. I'll make a motion and now I will read my motion:

The Commission here by acknowledges that the application for the subdivision titled Peckham Farms has been received by the Conservation Commission and the TPZ. Any future intrusions into the regulated area contained within that subdivision shall require a review by the wetland agent to determine the potential necessity of a wetland permit.

Chairman Sadil: Thank you. Do I have a second from the commission?

Commissioner Bachand: I'll second it, Andreas. John Bachand here. May I make a comment or is this a proper time to not make...

Chairman Sadil: Thank you. Seconded by Commissioner Bachand. Discussion.

Commissioner Bachand: And just stop me if I'm going in the wrong direction here, but I was just thinking about this attendee who would who was hoping to speak and I could imagine how frustrating. If we only had one person from the public and they did want to make a comment they should understand that we have little control over this as we've been instructed by Erik, to begin with, but I would imagine it would be frustrating if they did attend the meeting and really felt something important to say and couldn't say it so I'd rather give them all the opportunity to try it if we could try again to see if they still wanted to make a comment before we move on. And again, I don't know the procedure if we're already past that and we can't do that now. Anyway, so

Chairman Sadil: Any other comments on the motion?

E. Hinckley: I believe Commissioner Lavarriere has his hand raised.

Chairman Sadil: Commissioner Lavarriere.

Commissioner Lavarriere: Oh, yes. Just a point of reference that I do feel that, especially with this meeting being conducted via Zoom and that the meeting notice was posted to the town website at the last minute, um, you know, I do feel it's worth noting that public participation. It's certainly at a minimum this evening. Thank you.

Chairman Sadil: At this point, all in favor?

Commissioner Clark: Aye.

Commissioners: Ayes.

Chairman Sadil: Opposed?

Commissioner Lavarriere: Opposed.

Chairman Sadil: Opposed by Commissioner Lavarriere. Abstentions? So we have four in favor. Commissioner Lavarriere is against the motion. The motion passes.

Mr. Bongiovanni: Thank you very much for your time.

E. Hinckley: Thank you Alan.

Commissioner Clark: Thank you.

Chairman Sadil: All right, moving on to the second item of Old Business - Internal Rules Committee.

B. Internal Rules Committee

Commissioner Clark: I did not meet with John, but I vow to do so in the future.

Commissioner Bachand: Um, you should have seen, and I think Kathleen was part of that email I did share my quick and simple edit of what I was hoping to accomplish, and I hope I did send it to Kathleen as well. I'm sure I sent it to you and Erik, or I believe I did and it was a very simple edit.

Commissioner Clark: Yes John, I did see that and it sounded like discussion was going to happen. So that's why I didn't go any further.

E. Hinckley: Typically what you do with these types of committees, is you get everything ready and then you present whatever the changes are, however minimal and they're just discussed at this level. I remember seeing something, honestly we've been a little crazy here, so I don't have it in front

of me. I know it was a very minor change, if you want to discuss it tonight, that's fine. Or you can resend it to me and I can distribute it all the Commissioners for next month's meeting; whatever you guys want to do.

Commissioner Bachand: I'll resend it, but if I could also just bring up that there was some discussion, and I'll ask if this could be discussed as well, if that's even necessary, it may be already in there and I think Attorney Ancona was going to look at the rules and I don't know if he ever got back to you on that.

E. Hinckley: But I have. I did. I did send him the copy he requested, I have not heard back from him.

Commissioner Bachand: So let's give it a little more time, but I had questioned in that email to you and Andreas that possibly the change is not even needed if it may be already in our...it may be there, the opportunity to speak may already be, there so, that's it for me. Thank you. Okay.

Chairman Sadil: So we'll table this for now put it on the agenda for the August meeting.

Commissioner Clark: Thank you.

Chairman Sadil: We will get that distributed, everyone on the same page.

E. Hinckley: Sounds good. Thank you.

Chairman Sadil: All right, moving on to Item VII - Public Participation on Non-Agenda Items, each speaker limited to 2 minutes. Is there anyone online who wishes to speak?

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

J. Krupinski: We have not attendees online any longer.

Chairman Sadil: Okay, moving on to Item VII - Communications and Reports, Item A. Agent Communications.

VIII. COMMUNICATIONS AND REPORTS

A. Agent Communications

E. Hinckley: Just a few things to touch on. As I said, the last couple of months we've still been busy. Last month we did three agent approvals: one at 43 Harris Drive for a deck in the URA; another at 1852 Main Street for an above ground pool in the URA; and lastly at 98 Mountain View Drive for an above ground pool, deck and patio in the URA. And currently, I'm working on another one on Mountain View Drive for a...Carriage Hill Drive, I'm sorry, for a deck. Next item of information about the Mill Pond tennis courts. It was brought up last meeting by Commissioner Paskewich, I believe, that wanted Parks and Rec to install silt fence or straw waddle around the tennis courts. The clay courts that were within the regulated area. I had a discussion with the town engineer and he stated that it would be maintenance type of issues to have that installed there where they cut grass, et cetera. As far as the LID being removed from the TPC regs, I haven't heard anything else.

Chairman Sadil: This is the chairman speaking just about the Mill Pond and my thoughts. The only thing we can do is when the next contract comes up, that we include some sort of task in that contract to have them inspect the embankment to take out brush clippings, and all that, basically that's what I would ask at this point. So when they do the regular mowing that the embankment is inspected for unnatural debris that doesn't need to be there is not natural to that to the ecosystem there if you would add that to the contract to have some, you know, have an inspection when grass is cut in that area. Is that possible.

E. Hinckley: That is all Parks, so I don't know what their schedule is, that that's not on contract so I couldn't say I can have a discussion with the supervisor to at least go have a look over the bank with him and if there's anything and I see that you remove we ask him to remove it when they, when they have time and effort, manpower to be able to do that.

Chairman Sadil: Make the recommendation for me. That would be my, part of the care of the area, that they can make that clarification. If they can do an inspection. Unfortunately we have people who are not sensitive or respect the area. Okay that is on a regular basis. They can do that, you know, for their break either cutting schedule.

E. Hinckley: Ok, I will do that. As far as LID, I haven't heard anything else about the removal from the TPC regs. I believe they have a meeting tomorrow night. I don't know when the public hearings have been set for that topic. So, if and when I hear anything, I will let you guys know if you're still interested or you guys can watch the agendas as well to see, um, the last item I have for discussion. A memo was distributed by the Town Manager to all boards and commissions. I apologize for not getting a copy out, some of you may have heard about it or seen it. I will email you guys a copy in the morning. Basically it's discussions about economic development and the town and how we have to try and move forward due to COVID and everything build the groundless etc. So basically he is asking all boards and commissions to, and I quote, "to reduce roadblocks unnecessary regulations, rules and obstacles that result in the delay of applicants seeking local people." James has been good enough to put that memo up for us. Like I said, I will email you each copy tomorrow. He just wanted us, the staff people, to make commissions aware and move forward. You know, as, as I explained him. I said, well, we have stuff that falls under that too. So we you know we have other rules to look at as well. So that's all I have for my report at this point in time. I can answer any questions you have.

Chairman Sadil: Okay, I am moving on to Item VI. B. Invasive Plants. Commissioner Clark.

B. Invasive Plants

Commissioner Clark: Um, yeah, a very short one, and that is that I'm not sure if I'm a member, or just on the Facebook page of Cheshire Land Trust and an attempt to learn something about Land Trust. Plus, they do a great job on getting volunteers, etc. and they were looking for somebody to make short videos, educational videos and I said, gee, I could do that. So I sent them a sample of making a video about invasive basic plants that I shot in my backyard. It was four minutes long and so I'm now like on their group to do something like that going forward. So I will report anything that I do for them. But I also wondered if that was something we might be interested in in the way future since so much is going on right now as an educational thing whether would be out of town website or if we would ever get more active with outreach, because some of the conservation commissions that I've seen it like CACIWIC actually have more outreach. Let's say something at Extravaganza. Again this isn't the year to necessarily do it unless it was an online presence. So at some point if you'd like I could share the video that I actually made and it was kind of fun and I just went in the backyard and did it and I had tons of invasive plants and my very own backyard and they thought it was good. And so I'll be making short videos for them eventually just using my cell phone. That's it.

Chairman Sadil: We're very flexible these days with what you do with the phones right?

Commissioner Clark: Yeah, yeah.

Chairman Sadil: Get it on Instagram, like that, before my daughter gets home. It's so funny.

Commissioner Clark: Amazing. Yeah, so I'll try to see if I can figure out a way to send it to everybody just to show you a thought of is there a way to be in the public side. And I think if you're in the public's eye, not just about invasive plants. Maybe things like, what is a conservation easement. You know, this week's topic is "what is a conservation easement". For example, just to educate the public. That's it.

Chairman Sadil: Ok, move on Item VIII - C. Vernal Pools, Commissioner Paskewich couldn't make it this evening, but I do have one item, where do we stand. Anybody get chance to take a look at the revisions on vernal pools to the town regulation. Are there any comments or has anyone had a chance; I know the weather it's nice, sitting pool side, flipping through the regs are there any comments or feedback from the rest of the Commission.

Commissioner Bachand: I did not review anything.

E. Hinckley: They were all emailed to you right after last month's meeting, so you should have them.

Speaker: You sure?

E. Hinckley: I believe I did. I don't remember, but I'll look. I believe it would be the adjusted regs. I think I sent them out with the changes in red.

Chairman Sadil: Yes, they were sent out.

E. Hinckley: Okay.

Chairman Sadil: They were sent out, but there were no comments or feedback.

E. Hinckley: I know I never got any, correct.

Chairman Sadil: Red lines or markups okay. We will table that for next month, give them another chance. If anybody doesn't get them let Mr. Hinckley know and he'll get them to you.

Commissioner Bachand: I'm just going to raise my hand here again for one second.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: Some last words in before we adjourn. Ah, just an interesting thing I noticed with this whole Zoom thing and you were mentioning chairman Andreas that you could only see three attendees at a time. But if you just hover over the right side of the main frame there. The main pane and then you'll see you have an option to slide that, one way or the other, and you could open it right up and see everybody at once.

Chairman Sadil: Let me try this. Yeah. Oh, there you go. I don't see Mr. Ancona though, I don't see him.

Commissioner Bachand: He might have his camera off.

Commissioner Sadil: I see Councilor Budrejko, how are you?

Commissioner Bachand: Yeah, she's quiet tonight.

Chairman Sadil: I see everyone but Mr. Ancona...ah, there he is.

Commissioner Bachand: Interesting, you know, little tip I hope we don't ...

Chairman Sadil: Sometimes got to be curious.

Commissioner Bachand: I hope we don't have to keep doing it like this, though. Okay.

Chairman Sadil: All right, can I get a motion to adjourn.

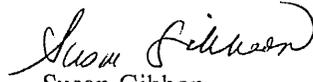
E. Hinckley: Really nobody wants to make a motion.

Commissioner Lavariere: I'll make a motion, it's Richard.

IX. ADJOURNMENT

Motion to adjourn the meeting by Commissioner Lavariere. Seconded by Commissioner Clark.
Motion passed unanimously. The meeting adjourned at 8:09 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan Gibbon".

Susan Gibbon
Recording Secretary