

TOWN OF NEWINGTON
CONSERVATION COMMISSION
MEETING MINUTES

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2020 AUG 31 AM 8:31

August 18, 2020


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
Philip Block
John Casasanta
Kathleen-Marie Clark
Bernadette Conway
Alan Paskewich (*arrived at 7:05 p.m.*)
Andreas Sadil
Max Turgeon

Also present:

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

*(*These minutes of the August 18, 2020 meeting are verbatim.)*

Chairman Sadil: All right, we have a point of order here, I am going to seat Commissioner Conway for Commissioner Paskewich and for Commissioner Lavariere I have a choice of Commissioner Turgeon or Commissioner Ancona. I will seat Commissioner Ancona since he was at the last meeting and we may be voting on that. Is that ok Max? You can vote on the minutes as well.

Commissioner Turgeon: Understood.

Chairman Sadil: Ok. Thank you for your understanding. Okay, let's proceed. I'm moving on to item three Public Participation on Non-Agenda Items, each speaker limited to two minutes.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(each speaker limited to 2 minutes)

Chairman Sadil: James, do we have anyone on the line waiting?

James Krupienski: Nobody on the attendee side, sir.

Chairman Sadil: Thank you. Moving on title for acceptance of Minutes of the Regular Meeting of July 21, 2020. Any additions or corrections from the Commission?

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of July 21, 2020

Chairman Sadil: Any additions or corrections from the Commission? Seeing none, may I have a motion to accept the Meeting Minutes from the Regular Meeting of July 21, 2020? You must unmute yourself. Moved by Commissioner Clark.

Commissioner Clark: I move that we accept the minutes.

Chairman Sadil: Thank you, do I have a second? Second by Commissioner Casasanta.

Commissioner Casasanta: Yes, I second that.

Chairman Sadil: All in favor?

Commissioners: Aye.

Chairman Sadil: Opposed? Abstentions?

Commissioner Conway: I abstain. This is Bernadette Conway, I was not present at the last meeting.

Chairman Sadil: We have one abstention and we have 1, 2, 3, 4, 5 yeas. The yeas are from myself, Cathleen Clark, John Casasanta, John Bachand and Ben Ancona. All right, moving on to new business.

V. NEW BUSINESS

A. None

Chairman Sadil: There's no new business this month. Moving on to VI - Old Business. A. Application 2020-08, 148 Winslow Drive, For Grading In The URA, Owner/Applicant: Michael Pitkin, 148 Winslow Dr, Newington CT 06111.

VI. OLD BUSINESS

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

Michael Pitkin: I'm here.

E. Hinckley: Mr. Chairman, if I may. I worked with the applicant and we developed a planting plan which, I believe, James has available that he's going to put up in a minute. We agreed on six different plantings of the type described on the planting list above. It's going to be a combination of those which are all wetland friendly type of shrubs in the area that you were concerned about Chairman Sadil. Also I'll point out, as Commissioner Bachand pointed out last week, you know by leveling out that yard in the back, that will also reduce the velocity and flow off that runs down towards area. So I believe the applicant is available. If you have any other questions.

Chairman Sadil: Point of Order, I see that Commissioner Block is online. Commissioner Block. Okay. Mr. Hinckley, I think we can seat Commissioner Block this evening?

E. Hinckley: Yeah, he was online earlier. Correct.

Commissioner Bachand: I don't see him now.

E. Hinckley: He's there, he is just muted. He has no video feed.

Chairman Sadil: Commissioner Block, you must unmute yourself.

E. Hinckley: James, can you possibly unmute Commissioner Block?

J. Krupinski: I attempting to at this moment.

Commissioner Block: Okay, am I own?

E. Hinckley: Yes, you are.

Chairman Sadil: I see that Alan Paskewich is trying to get online as well.

E. Hinckley: He is also here, correct. But right now he now, I don't know what is he trying to do, he has no audio feed.

J. Krupienski: It appears he's trying to dial in and connect with a computer or something else.

E. Hinckley: Okay.

Commissioner Bachand: On my screen it says connecting for Alan.

E. Hinckley: Yeah, he's been hopping off and on, so I don't know what kind of problem he's having.

Chairman Sadil: Now I've lost Mr. Block. I do not see Mr. Block on my screen.

Commissioner Block: I'm here.

E. Hinckley: He's there.

J. Krupienski: The windows are going to transition based upon who's speaking and what noise is there.

Chairman Sadil: Yeah, but I got the layout of everybody, on the side here. I can see Commissioner Clark, Commissioner Casasanta, I see Commissioners Bachand, Conway, Ancona. Alan, I do not see, he it totally off my radar here.

Commissioner Paskewich: No I'm not.

Chairman Sadil: No biggie, I assume Commissioner Paskewich...

Commissioner Paskewich: I'm sorry.

Chairman Sadil: You are voice only, you are not on video.

Commissioner Paskewich: Well, I tried. I tried entering this on my PC and wasn't fortunate enough to do that; now I'm on my phone.

E. Hinckley: He dialed in.

Chairman Sadil: All right.

Commissioner Paskewich: You will have to excuse me, but I had to work on it for quite a while.

Chairman Sadil: Commissioner, can we proceed as being seated as such. I see you know you're, you're in the meeting, but I don't see Commissioner Block at all, even without video usually everyone says on the menu here.

E. Hinckley: He's there, I see him.

Chairman Sadil: I don't, I don't know, I try to...

Commissioner Block: Yeah, I'm at the meeting.

Commissioner Paskewich: Can you see me now, this is Alan Paskewich.

E. Hinckley: We have Alan now. Mr. Chairman, would you like me to redo my...

Chairman Sadil: Now I see him, now I see Cathleen, John, Max, the applicant. It just keeps...just keeps going away, I saw Commissioner Block for a moment, then I missed him.

E. Hinckley: He's there. I'm looking at him right now.

Commissioner Block: Am I smiling?

Chairman Sadil: I can't see you at all.

E. Hinckley: All right, do you want to try and carry on?

Chairman Sadil: There we go, there we go. There's three layers here, I see it now.

E. Hinckley: All right, excellent.

Commissioner Paskewich: Do you see me Chairman Sadil?

Chairman Sadil: Yes, I do.

Commissioner Paskewich: And do you hear me ok?

Chairman Sadil: I hear you. Point of order, are we going to reseal people here Mr. Hinckley. Can we seal Commissioner Block?

E. Hinckley: You could, he wasn't at the last meeting, so that's really up to you and neither was Commissioner Paskewich. So, again, that's...

Chairman Sadil: Commissioner Conway do you have any objection if I reseal Commissioner Paskewich?

Commissioner Conway: I do not.

Chairman Sadil: Okay. All right. Thank you. All right. Let's proceed with the application and old business. Winslow Drive.

E. Hinckley: So, do you want me to repeat what I said earlier?

Chairman Sadil: Please continue, I'm sorry.

E. Hinckley: It's ok . So this application as discussed at the prior meeting, there were some concerns about some plantings being wanted so I worked with the applicant and we selected six different plantings that are wetland friendly that are shown on the plan before you. It's going to be a combination of those six and he's agreed to install those. I believe the applicant is on the line, so if you guys have any other questions, feel free.

Chairman Sadil: I have nothing to add. I like the plantings that we discussed in the lower right. What type of plantings were those Mr. Pitkin?

Mr. Pitkin: Well, they are on the plan. They are the elderberry bush, a royal fern and a golden fountain sedge.

Chairman Sadil: Ok. Now when is the plan to have those installed? Have they been installed already? What is your plan?

Mr. Pitkin: They have not. I've been working with the guys at Stonehedge and they are going to tell me. They said probably late this month early next month because of the heat and the humidity we've had they said the plants wouldn't take very well. So as soon as I can, I will plant them.

E. Hinckley: That is a typical time frame for planting.

Chairman Sadil: I was just going to ask that question. Now is a good time to do that.

E. Hinckley: Late summer, early fall, and I'm sure once that they're installed Mr. Pitkin will let me know and I'll just go out there and take a picture for posterity and we'll move forward.

Mr. Pitkin: Correct.

Chairman Sadil: The other question that I had. How are we doing cleaning out the area. There were some brush and some woodpile and there was some paving slabs in there as well. Has that been cleared away from the review area?

Mr. Pitkin: Unfortunately, I threw my back out two weeks ago so I haven't been able to remove that. Um it's getting better now so as soon as my back's better I will remove that from the property too. It will be removed by the time Eric comes out to see the plantings down in the back corner.

Chairman Sadil: Mr. Hinckley, can we make that a condition on the permit? How do we handle that, obviously, you know...

E. Hinckley: If you want that as a condition, you can certainly add it once, once you vote on it. If we can add that as a condition and vote on it that way

Chairman Sadil: Mr. Pitkin do you have an objection to that or when could you put a time limit on that or you know obviously it doesn't have to be right away, but is there some condition written I'm willing to negotiate that...

Mr. Pitkin: By the end, or middle, of September.

E. Hinckley: I was gonna say you could probably even push it into the fall, if you wanted to. I know you want to get stuff out of there. But if he's having some physical issues you sure you want to recover enough. It's your call.

Mr. Pitkin: End of September I think it'd be okay to get it out of there.

E. Hinckley: Ok, so we will put the condition by October 1st.

Mr. Pitkin: Okay.

Chairman Sadil: I have no further questions. I will open it up to the other commissioners. I will try to poll slowly. Commissioner Clark, do you have any more questions for the applicant?

Commissioner Clark: I do not.

Chairman Sadil: Commissioner Casasanta?

Commissioner Casasanta: No, I have no further questions, Mr. Chairman. Thank you.

Chairman Sadil: Commissioner Bachand?

Commissioner Bachand: I'm satisfied as well, thank you.

Chairman Sadil: Ok. Commissioner Block, do you have any advice or comments for the applicant?

Commissioner Block: No, I am satisfied, thank you.

Chairman Sadil: Commissioner Ancona?

Commissioner Ancona: No it sounds good, it's a good plan.

Chairman Sadil: And lastly Commissioner Paskewich. Do you have any...would like to add any comments.

Commissioner Paskewich: No thank you. I'm satisfied as well.

Chairman Sadil: Mr. Hinckley, is the application complete?

E. Hinckley: The application is complete.

Chairman Sadil: May I have a motion from Madame Secretary to introduce a motion for Application 2020-08, 148 Winslow Drive.

Secretary Clark: You may. *I move that the permit for Application 2020-08 be granted a summary ruling based on the evidence before it after a full review of the consideration set forth in Section 10.2 to be regulated activity not involving significant or major effect on the inland wetland or watercourse as defined in Section 2.1 of these regulations.*

Chairman Sadil: As far as the condition, do you want to add a Condition A on that?

Secretary Clark: I shall. May I ask a condition question related. I was given 10 conditions. Was it just 10 or should there have been more?

E. Hinckley: When we revised our regs last year it was reduced to 10.

Secretary Clark; Ok, thank you. I remember a second page. So now are we going to add that right this minute?

E. Hinckley: Yup, you can add that right to the bottom.

Secretary Clark: Ok.

E. Hinckley: We will say the construction debris in the URA will be removed by October 1, 2020.

Secretary Clark: Okay. Give me a second. The construction debris in the URA shall be removed by October 1, 2020 And what was the number of that condition?

E. Hinckley: It will just be A for now until you vote on it, then it will change.

Secretary Clark: Ok, got it, it says A.

E. Hinckley: Sounds good to me.

Chairman Sadil: Now, before we go to a vote. Commissioner Paskewich do you feel informed enough to make a vote on this application tonight?

Commissioner Paskewich: Yes, I do. I read the minutes from the last meeting in its entirety.

Chairman Sadil: Ok. Commissioner Block do you feel informed enough to vote on this application this evening since you were not at the last meeting?

Commissioner Block: Yes I do, I did read the plans that were submitted with this agenda.

Chairman Sadil: Okay. May I have a second on the motion for Application 2020-08, 148 Winslow Drive.

Commissioner Bachand: A second you asked for?

Chairman Sadil: Yes.

Commissioner Bachand: Yeah, I second it.

Chairman Sadil: That was Commissioner Bachand?

Commissioner Bachand: Final discussion. All in favor?

Commissioners: Aye.

Chairman Sadil: All right, it looks like we have, let me count...1, 2, 3, 4, 5, 6, 7 in favor. None opposed, no abstentions for the record. Ms. Gibbon do you have that? Because I count myself, Commissioner Paskewich, Commissioner Clark, Commissioner Casasanta, Commissioner Bachand, Commissioner Block, and Commissioner Ancona.

S. Gibbon: I have that. I'm sorry, I was muted.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: Didn't we seat Commissioner Ancona for Commissioner Block?

Chairman Sadil: No, we seated him for Commissioner Lavarriere.

Commissioner Clark: Oh, okay.

Chairman Sadil: Commissioner Block is seated.

Secretary Clark: I knew he was there. So I just want to repeat the people just so I enter them correctly in our document. So we have seated and voting "aye" were Mr. Ancona, Mr. Bachand, Mr. Casasanta, Ms. Clark, Mr. Sadil and, ah...

Chairman Sadil: Alan.

Secretary Clark: Alan, there we go, and Commissioner Block.

Chairman Sadil: That would be seven.

Secretary Clark: Ok, again, my apologies. If you were all in front of me I would be sure. Okay. Ancona, Bachand, Casasanta, Clark, Sadil, Block and Paskewich.

Chairman Sadil: Correct.

Secretary Clark: That is seven. That works now. Thank you.

Chairman Sadil: Thank you. Mr. Pitkin thank you for your work.

Mr. Pitkin: Thank you very much. Thank you.

E. Hinckley: I'll be in touch Mike.

Mr. Pitkin: Erik, thank you.

Chairman Sadil: All right. Moving on to Old Business, Item B. Extension Request For Application 2016-19, 123 Garfield St (Mill Pond Park) For Maintenance Of Vegetation And Installation Of Concrete Pads In The URA, Applicant: William DeMaio, Owner: Town Of Newington, 131 Cedar St, Newington CT 06111.

B. Extension Request For Application 2016-19, 123 Garfield St (Mill Pond Park) For Maintenance Of Vegetation And Installation Of Concrete Pads In The URA, Applicant: William DeMaio, Owner: Town Of Newington, 131 Cedar St, Newington CT 06111

Chairman Sadil: Mr. Hinckley, do we have someone from the Parks department or will you represent?

E. Hinckley: I'm just going to speak tonight, there's no one here from Parks. The extension request, as you know, we get those and by statute, you typically have to grant them. They're asking for this extension request to continue their maintenance along the easterly side of the pond and to complete the installation of the of the, I think they're doing another bench or they just finished it, that was approved on the prior plan. And a little bit of a segue, the map it is that now, you can see, I think there's eight or nine little red circles, those are areas that in the future the parks department would like to install or replace existing benches. Parks is selling these dedicated benches with plaques on them and these are the areas they want to do that in. So they're going to request the extension there and they're actually going to request a modification to modify that include these locations. Someone would be available to speak at next month's meeting on that topic if you so desire or if you just want me to do it as an agent review. I'm sure you probably, the Commission, wants to hear and that's fine. So tonight they are just asking for the extension and then in the future, I believe at next months meeting they will want to talk about modifying and adding these various locations for the installation of benches. I'll try and answer all the questions I can. So if you have any.

Chairman Sadil: So this extension, there is no more cutting involved. This is just to add 8 or 9 benches with slabs to the perimeter of the pond.

E. Hinckley: I know that now they want to also include the maintenance issue because they never actually finished what they had started and they just want to be able to keep and maintain that more open along the easterly side and as the prior permit required any cuttings out there I'm going to meet with the tree warden, the parks supervisor and their forestry guy and we're going to identify plants that can be completely taken out, removed and other ones that just trimmed to stay. They don't intend on clear cutting the bank. They do just want to make it a little more open.

Chairman Sadil: So this evening, we would like to see that presentation, but tonight we are just going to grant the extension.

E. Hinckley: Correct.

Chairman Sadil: And this would be back under Old Business for the September meeting.

E. Hinckley: It would be under New Business for the modification.

Chairman Sadil: Ok, all right. Do any commissioners have any comments at this time?

Commissioner Paskewich: Yes.

Chairman Sadil: Commissioner Paskewich.

Commissioner Paskewich: Who will be representing *[audio garbled]*

E. Hinckley: My guess, for next month, is that it would be either Clay Pettigo *[sp?]* who's the new Supervisor for the Parks Department or maybe Mr. DeMaio himself, or both.

Commissioner Paskewich: Thank you.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: This may be a silly question, but I assume walking around Mill Pond is not prohibited as a site visit.

E. Hinckley: No, it is town owned property. It's public, you can go there. I would just say if the commissioners are going to visit do not go in a quorum. Go in ones to twos.

Commissioner Block: Mr. Chairman.

Chairman Sadil: Commissioner Block.

Commissioner Block: Yeah. In the past we've had invasive plants around the margin of the pond. I haven't heard anything about the success of past treatments or the intentions as part of this application.

E. Hinckley: Invasives will be identified and removed along the area that the original permit was deemed for which is from the northerly edge where the two paths meet down to the bridge. Nothing on the Westerly side at prior permitting was always allowed to be cut. In that area that will be identified and removed.

Commissioner Block: Thank you.

Commissioner Bachand: Mr. Chairman.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: John Bachand here. So that the permit was ready to expire. It had already expired?

E. Hinckley: I believe it expires next year and they came in the 60-day prior notice to ask for the extension. It was 2016 so yeah, it's going to expire next year.

Commissioner Bachand: But they plan on doing the work this year.

E. Hinckley: They plan on doing work in the fall or winter, once things calm down its an easier time to cut in there.

Commissioner Bachand: And just make everyone aware. I'm on a building committee for the for the Mill Pond Park so they are planning a considerable project there, but that would be separate. I'm sure we'd have to review some of that at that time, but just wanted to give a heads up on that.

E. Hinckley: Yeah, if there's anything within the regulated area that would be reviewed. Yes.

Chairman Sadil: Okay. Is there anyone else with a question?

Commissioner Clark: Yes.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: Yes. Hi. I wondered about if they're removing plants, if we will be getting a planting list, similar to what our previous applicant provided us and if they will be contacting any environmental specialist when they make any of these changes

E. Hinckley: That's probably a question for them next month, I think. I think their intention is really to clean up the vegetation to make the park, more of the pond, more accessible and viewable. I don't know if they have any intention of planting new plantings, honestly. Because the original permit again was just for maintenance. It wasn't for any kind of replanting so that would be a fair question to ask them next month when they come in.

Chairman Sadil: Ok. Anyone else? Okay, Mr. Hinckley, I'm just thinking, I think we need to have a motion and for the extension. There's no...

E. Hinckley: I did not send one to Kathleen, but it would just be a motion to extend the existing Permit 26 for 2016-19 and by statute it's a nine year extension.

Chairman Sadil: Madam Secretary can you introduce a motion?

Secretary Clark: I'm going to say, I will, but I wish I had a copy. If wishes were horses, I wish I had a copy of the original application that we approved. I certainly do not have one. Erik, can you refresh our memory about what, I mean my memory is yes we approved them cutting vegetation on the east side of the pond and nothing on the west side. But now I feel like we're still kind of opening the door and I have no objection to removing invasives, but again, I'd like to make sure that we're dealing with somebody who can identify these plants and I, if we were, if we were coming up with this application anew, I would be asking for a planting plan to replace anything that they cut down in the west side.

E. Hinckley: Well, the...

Commissioner Clark: Again, I'm not going to throw my body in front of all these cut down plants. But again, I feel like I'm make a motion without a strong memory of exactly what it entails, can you update the enough that I feel comfortable.

Commissioner Paskewich: I have a comment.

E. Hinckley: One thing, if I may. I'm sorry, I didn't, I probably should have included that the original approval. I think, to be fair, we can table the request for an extension until next month when you hear the modification, just do it all at one time and I think that would be fair. That way I can get you guys a copy of the original and you guys can go from there. Is that reasonable?

Commissioner Block: Mr. Chairman.

Commissioner Paskewich: I have a comment.

Chairman Sadil: First Alan Paskewich. Commissioner Paskewich.

Commissioner Paskewich: Yes, I recall a conversation regarding the cutting of and trimming on the east side and for my memory. The reasoning behind most of it was so that The public could have a better view of the pond and also access to the pond for fishing and such as recreational use. So planting where things are taken down may not be the view or achievement that the parks department is trying to accomplish. From what I remember reading, they want, they want openings in there. That's my comment.

Commissioner Clark: I didn't mean about putting any plantings on that side, on the east side. I meant if it's determined that everything on the west side is an invasive. Just for an example. I'd like a plan in place that those are replaced, so I'm fine with the east side. On the other hand, it would be nice to be open minded enough that something here, there would be helpful, but that was not what I was talking about. I was talking about replacing something that had to come out because it shouldn't be there in the first place with something that would be more amenable, help to stabilize the bank, and make it be attractive.

Commissioner Paskewich: Expanding on your comment which I fully...

Chairman Sadil: Commissioner Paskewich is speaking...for the record.

Commissioner Paskewich: Yeah, for the record, sorry. I'm expanding on what you're speaking to, I agree with you. I ride a bicycle around there quite frequently and the west side is fully vegetated on both sides. There has been some work done there to actually some signage has been put up. I think it's for possibly poison ivy or poison oak, there needs to be some diminishing in vegetation there. It's very, very heavy, it's overhanging and it's sometimes it's even hard to get through there you walking. I walk there as well. I am fully, you know in, advocating for trees and planting, as you know, because I have a background in forestry and I continue to do that. So it's a good comment. I think that may further comment with someone giving us as you spoke to some type of plan in writing as to the percentage or amount that's going to be removed and I'll leave it with that.

Commissioner Bachand: Mr. Chairman.

Chairman Sadil: First Commissioner Block, I know he has been waiting. Commissioner Block you wanted to speak.

Commissioner Block: It's just that I know that there are invasives around the edge of the pond. I was curious about identifying and removing those as well.

E. Hinckley: Again, I'm not the parks department. My understanding is all they're looking to do is get that permanent extended for what was originally approved, which is along the easterly edge. You know, I don't think they're looking to expand it to the Westerly side. Those are questions that you can certainly ask them. And then this trimming activity was only added to the prior permit because there was some consternation among the Commissioner, Commission, at that time, you know the trimming of this stuff is something they can certainly do under General permanent one, you know. The last time this came around, it was very contentious topic at the time. So here we are today moving forward. So they're just asking so they can continue to maintain that easterly side. If I get them here next month, you guys can discuss the west side and possibly modifying the permit to include you know the whole pond or whatever you may want to do.

Commissioner Block: Other than that, I have no objection.

Chairman Sadil: Thank you. Commissioner Bachand.

Commissioner Bachand: Yeah. Question for Erik. So when did we approve this originally?

E. Hinckley: 2016.

Commissioner Bachand: OK, and now I heard you mentioned that by statute that the approval is good for nine years.

E. Hinckley: Yes and they basically get a 14 year permit for wetlands through state statute.

Commissioner Bachand: I know that's what TPC would, would you know they tried to modify it for the economy, but I didn't realize that was with wetlands too. So why would they need an extension. Now if they were already covered for several more years.

E. Hinckley: Well it expires next year, so they have to request the permit prior to it expiring. So they're just requesting, you know, just trying to, you know, keep their house in order, so to speak. So like I said, I think if you table it tonight and vote on an extension and a modification at next month, meeting there shouldn't be any issues.

Commissioner Bachand: I guess I'm just confused on that the multiple years that we're talking about nine years, 12 years, 14 years; but you said we only just approved it in 2016.

E. Hinckley: Right for five years. So next year it expires. So 60 days prior to expiring, they have to at least ask for the extension by they are ahead of the 60 days and typically it's a nine year extension by state statute.

Commissioner Bachand: Okay, thank you.

Chairman Sadil: Ok. Are there any further questions for Erik?

J. Krupienski: Mr. Chairman.

Chairman Sadil: Ok, seeing none. We're going to table this matter for this evening, if there is no need to do the extension tonight. I would ask that we definitely have someone from the parks department at the meeting. I know their meetings are coincident with ours. So you think that's going to be an issue, getting someone in here.

E. Hinckley: I'll definitely...I'll do my best. Again, to get somebody here for the next months meeting.

Chairman Sadil: And please note the concerns about the invasives and the cutting and any other remediation around the perimeter. Obviously, the Commissioners are concerned about that so that they come prepared to discuss that.

E. Hinckley: Absolutely.

Commissioner Block: Mr. Chairman.

Chairman Sadil: Commissioner Block.

Commissioner Block: Yeah, if they're coming in I'd like to hear their suggestions for replacing some of the invasive with the more appropriate water plants.

E. Hinckley: I'll make them aware.

Commissioner Block: Thank you.

Chairman Sadil: Noted. All right, this item is tabled until next month. Moving on, once again onto Old Business, Item C - Internal Rules Committee.

C. Internal Rules Committee

Chairman Sadil: So where we left off last month, Mr. Hinckley, we were going to consult with the town attorney on this item relative to revising our internal rules.

E. Hinckley: Yeah, I actually ran into town attorney today in the hallway and he said his opinion there's no reason to change the internal rules. So...

Commissioner Block: Can you repeat that I didn't hear it.

E. Hinckley: The town attorney told me today verbally that he saw no reason to change the internal rules for what...

Commissioner Paskewich: I can't. I didn't hear your last your...

Chairman Sadil: Last portion came out incomplete, the last part of your sentence.

E. Hinckley: Yeah, the town attorney stated that he felt there was no need to change the internal rules.

Chairman Sadil: Now, no need, and correct me if I am wrong Commissioner Bachand, but where do we stand as far as putting a two week input when we create the agenda if someone has certain items like to put under Communications and Reports if we wanted to put a two week prior on that, that would be acceptable or...

Commissioner Bachand: Not to me.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: I would just like to clarify on, you know, Erik, if you just bumped into him. I guess I could try to reach out to Mr. Ancona too. I'm just be curious what he says. I think he's saying that if we want to speak about something like what I've been asking for that we don't need a change to our rules. If anyone could just speak out at any time. Well, I shouldn't say that. I'm not certain of that. But we should have an opportunity to bring up a subject that we don't have to put on the agenda two weeks prior and that's my opinion, I could be wrong.

Commissioner Clark: May I, as the other person on the committee.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: Yes, I think, I don't think that's what that opinion would be at all. I don't think that our rules provide for us bringing up a new topic during the meeting.

E. Hinckley: Yeah, that's correct. Currently, they don't. So if you want to do that the commission is, you know, the committee, should come up with some idea of what they want and word it and get it in a document so the committee, you can bring it for the Commission for a vote and then the Commission vote on it, they decided not to change it, then they stand as they are and we move forward.

Commissioner Bachand: But, so, if I may

Chairman Sadil: Commissioner Bachand first and then...

Commissioner Bachand: I'm referring to just a very germane topic and I was walking through the park and I saw something that is germane to the Conservation Commission, you know, I can't imagine why that would need to be predetermined or prearranged on the agenda.

E. Hinckley: Well, our agenda is set by our internal rules and we don't have an area that's for commissioners to have this exchange currently. So, I know some other commissions do; wetlands doesn't and if they want to change it again, that's up to you. The town attorney, my interpretation was he didn't feel the need that we needed to do that on because he didn't feel the need to the commissioner of need to speak about things, I guess. But, you know.

Commissioner Bachand: One final thought, please. I'll double check on that and I don't have a problem if that's where everyone's if that's where it is and we'll take it further from there, but I'll try to reach out to them and before the next meeting.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: I'm speaking about the same thing and I see where John's coming from. In other words, let me just see if where we have a meeting of the minds. He's saying that he finds something that we have never talked about before, that has to do with wetlands, inland wetlands, that he feels the Commission could discuss. So I guess my question is again, could you put that under New Business by letting you know two weeks ahead of time, do our rules provide for that or no.

E. Hinckley: I could just put it under communications and reports, if I know what the topic is and I'll speak about it. Yes, it can be inserted, but you would have to really be in the agenda. It's not kind of like a free flow kind of thing where you know I speak my mind kind of situation because I don't think that we don't want to get off on too many tangents.

Chairman Sadil: My thinking, Commissioner Clark is that, and I support preparation, you know, the Commissioners know it's coming and it could be more fruitful discussion that way. We know it is appropriate, number one. Number two, Commissioners know, the rest of the Commission knows that that's coming and they can provide input to the discussion. So I think that's why that two weeks prior where the agenda is set, the applicant gets two weeks, so that's where the two weeks comes from. That when we create the agenda, I can pull the Commission, if they have something they want to talk about we get it in writing and that covers it.

E. Hinckley: And I will be able to have enough time to research and get some background on the potential issues that may or may not be germane to that topic.

Chairman Sadil: Commissioner Clark.

Commissioner Clark: Yes. Thank you, Chairman, because I think what you just said made a lot of sense and still fits within our current regulations, we need the two weeks. But if we see something of concern, we can, I'm just reiterating what you just said to see if this is something we can move forward and see if this would satisfy Mr. Bachand's concerns within our rules. So we see a situation and we report that we tell you, and Erik...

Chairman Sadil: Me and Erik. Yes.

Commissioner Clark: And we say we would like to put this on our agenda and the correct place for that to be would be under communications and reports.

Chairman Sadil: Correct.

Commissioner Clark: That's just summarizing from my side of the aisle and making sure that we all know what we're all talking about.

Chairman Sadil: All right, any other comments?

J. Krupienski: Mr. Casasanta had his hand up. I'm not sure if he's still interested to speak.

Commissioner Casasanta: I'm gonna withhold my comment until we actually start debating this. Right now we're just discussing it and I don't think the real discussion on this has begun. So, you know, the remarks I'm going to make I'm gonna hold off on for now.

Chairman Sadil: Fair enough. Anyone else?

J. Krupienski: Mr. Paskewich has his hand up as well.

Chairman Sadil: Commissioner Paskewich.

Commissioner Paskewich: I'm wondering, since we have an initiative area, that if Commissioner Bachand wants to be part of an initiative in that area presenting something that's regarding parts and parcels of wetlands that he has concerns about that might be an area where he have in the initiative category.

Commissioner Bachand: If I may.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: I'll look into that and I'll accept the consensus of the Commission. I still think that if we're not talking about an application I still don't see the why we're so strict on not being able to speak freely about any germane, you could say mundane item that's out there that we've observed five minutes before the meeting might have started. But again I will accept the consensus of the Commission, and I will reach out to Mr. Ancona and just to clarify the park that I'm curious about.

Chairman Sadil: Anyone else before we move on to close this, table this discussion.

Commissioner Casasanta: Yes, Mr. Chairman.

Chairman Sadil: Is that a question, Commissioner Casasanta.

Commissioner Casasanta: Yes. Yes, Mr. Chairman. John Casasanta again. Just to address what Mr. Bachand just said, Commissioner Bachand. The, the problem with what he just said is you never know what might end up coming before us in an application. And if you just start discussing things at random, you run the risk of being, putting yourself in the position of being accused of prejudging. That's all I'm saying. That's all I want to say for tonight.

E. Hinckley: Okay, that's a fair statement.

Commissioner Bachand: Okay thank you John.

Chairman Sadil: All right, I think we're table this discussion for now and we're going to move on with the agenda. Okay, moving on to item seven, Public Participation on No-Agenda Items, each speaker limited to two minutes.

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

Chairman Sadil: James, do we have anyone on the line?

J. Krupienski: No attendees online Mr. Chairman.

Chairman Sadil: Thank you. Moving on to item eight, Communications and Reports, A. Agent Approvals. Mr. Hinckley do you have anything to report this month?

VIII. COMMUNICATIONS AND REPORTS

A. Agent Communications

Chairman Sadil: Mr. Hinckley do you have anything to report this month?

E. Hinckley: Yeah, I did have one agent approval for a modification of an existing wetland permit at 124 carriage Hill Drive; they added a deck to their pool in the URA. Today I just received an application for 149 Northwood Road for a Gazebo in the URA, so I'll be working on that one. I'm going to move on to the tour of the ponds I did with the town manager. On the 24th of July, I visited four of the town on ponds with the town manager to discuss maintenance activities for the parks department in those areas and I relayed to him currently, the parks department has that permit for Mill Pond along the easterly edge and he would like parks to continue doing that work. We also looked at Star Pond and Beechwood Pond and both were dry. He does want parks to go in there and do some

cleanup in there for, you know, bicycles, basketballs, goals, lacrosse stuff, that stuff like that. It's in there and get that stuff out and do really just minor trimming around those two ponds, because they're not super bowl. Algaecide was applied at Mill Pond on the 23rd of July. That's another thing he's looking to control the algae and Mill Pond. He got the aerators are back up and running; the two aerators they are obviously probably way too small to handle that pond to keep all that water moving stop algae. But they may look in the future of putting in more aerators. I do not know at this point in time, most of the maintenance activities. We also looked at Churchill Park which there's really not a whole lot going on there. As we all know, again, like I discussed earlier, most of the trimming activities are talking about will be done under General permit One and he'd like to do that and he recommended that I meet again with their people and they're working out there just to do some minor trimming and whatnot and identify things that it can and cannot be cut down. So basically these ponds are it's mostly clean up and algae removal. So he just wanted me to relate and information on to you. And again, the things that I've heard discussed from both he and parks really don't seem like they require permit. The modification that we discussed earlier in the extension that one, you know, you can ask parks about next month's meeting. And if you want to try and include more Mill Pond or whatever questions you have. Along with that, like, I also briefly discussed Parks is selling these commemorative benches and they're putting them on a four by a concrete pads. Which will actually be a little better because the people that sit on the benches when they swing your feet are not going to kick up and he wrote all the dirt there, you're not going to have all these bare spots around the benches are just going to be on the concrete pad they want to add those eight or nine other locations and that would be a modification to the existing permit. And lastly, last week I forwarded to all the Commission members the information from the town planner about the public hearing for the removal of the LID regulations from all the TPC stuff and that is on the 26 next week at that TPC meeting will be the public hearing. So if you guys have any questions, concerns I recommend you attend. Other than that, that's all I have.

Chairman Sadil: Thank you Mr. Hinckley. Moving onto Invasive Plants.

B. Invasive Plants

Chairman Sadil: Commissioner Clark do you have anything to report?

Commissioner Clark: I'm going to say nothing new, other than I certainly plan to take a tour around Mill Pond. It'll be interesting to identify invasive plants and see what invasive plants, the parks and rec department comes up with and finally tackle some invasive plants after all these years.

Chairman Sadil: Okay.

Commissioner Bachand: If I may.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: Since this is town property and there's no other applicant involved, can Kathleen document some of what she finds and share it with us.

E. Hinckley: That's okay by me, or you may just want to just, I don't know how you're going to document them, or identify them or note them in the field, maybe just wanted to check with the parks department, say, hey, find these that I tagged with a ribbon.

Commissioner Bachand: It might educate me because I don't know all the invasives.

Commissioner Clark: And neither do I, I know quite a few, but I'm certainly even after going to a bunch of things I'm no expert, but it would be interesting just to see what's easily identified. I mean, they might all be invasives. Things like autumn olive, you know, the question is, are they all invasive and if we give permission to remove all the invasive. Will we have a naked bank, which is not

necessarily good for erosion. Even an invasive plant has its purpose if it is, you know, holding up a bank. So just throw that out there.

Commissioner Block: Mr. Chairman

Chairman Sadil: Commissioner Block.

Commissioner Block: Yes, Kathleen makes a very good point, we shouldn't leave a void on the banks, along with the identification and suggestion for removal should also be a suggestion for replanting with the appropriate plants.

Chairman Sadil: Okay. Is that an action for Ms. Clark or for the parks department?

Commissioner Block: I would suggest both.

Chairman Sadil: Commissioner Clark do you acquiesce.

Commissioner Clark: Well, I'm going to say that I think that's such a specialized...that's not as easy to replenish a bank, because you know you have to dig a hole in the bank, which is going to create a risk of erosion. So I feel that you really need an expert to do that kind of replacement. And I think just taking things out and saying, I'm going to plant a blueberry bush in here, I think that might be very tricky and just wonder if any of us, including town staff, have the expertise or if at some point an environmentalist, you know, the same kind of person we're going to ask an applicant to find, might be necessary, if it comes to that.

Commissioner Block: Mr. Chairman.

Chairman Sadil: Commissioner Block.

Commissioner Block: I definitely would like to see invasives and inappropriate plants removed from the bank. Therefore, I agree with the Commissioner Clark, that we should have perhaps a little bit better expertise as to what and how they remove all those invasives and others should be handled and along with that should be, I think, some suggestions for replacement.

E. Hinckley: If, if I may make a suggestion. I like Kathleen's idea and a number of other Commissioners that maybe Kathleen goes out there and just does a cursory review. So she can say, hey, you know, we have one smaller that has invasives or, you know, we got half of the bank or whatever. Identify, spot areas that she can identify where there are invasives and then if we think that, you know, more professional help is needed, then we can discuss with parks about having someone come in and develop a plan going forward. Something along those lines.

Chairman Sadil: Why don't we send out that map that you showed earlier, and maybe Commissioner Clark can make some notations; A, B, C, D around that perimeter and maybe she makes a photo essay or some notes. So what do you think it was something like that Commissioner Clark.

Commissioner Clark: I'd give it a try and certainly, that would be helpful. And I'd be interested to look at the area, the benches are going to be, and I will do my best. I mean, there's plant identification things, I think, given a month, I should be able to come up with something.

Commissioner Bachand: I'd be willing to volunteer if that's not a quorum. If that's allowed of just two of us.

Commissioner Clark; Sure.

E. Hinckley: I think that is fine.

Chairman Sadil: Thank you Commissioner Bachand.

Commissioner Bachand: But if I may, if I may also add or ask, just to clarify, or maybe simplify. So originally the applicant, application was for the placement of the benches and clearing. Some of the east side of the embankment which...

E. Hinckley: Correct.

Commissioner Bachand: actually included clear-cutting certain areas so they actually had access for fishing. I don't mean clear cutting the full length, but I mean clearing out...

E. Hinckley: There was no clear cutting, it was always...the agent went out and identified things with parks that were going to be removed. So we didn't allow any clear cutting.

Commissioner Bachand: I mean clearing, I don't mean clear cutting like the length of the bank during an area here so I can configure that was one of the reasons so

E. Hinckley: Right but we didn't have them take out good stuff just because they wanted a hole there. We worked with the existing areas and enhanced those if they could be. And we've kind of stuff down, but not out.

Commissioner Bachand: So there's still no plan to remove anything completely.

E. Hinckley: No, there was no...

Commissioner Bachand: Okay, I thought that there was trying to open up a hole there, that you don't actually know.

E. Hinckley: They were just working with the existing areas they had openings and if they could winded them because there were invasive plants or stuff like that. They were cut down and removed at the time. That's how they did that and they cut them down height wise and a couple locations, but otherwise everything pretty much stayed. It was not a wholesale butchering of the...

Commissioner Bachand: No, I wasn't suggesting that, I mean is it strictly opening holes. So you're saying that no roots or stumps were removed from any of the things that they trimmed, well, that's still not even the plan even non invasive.

E. Hinckley: This stuff, that stuff, it was never discussed at the time because the prior commission was very touchy about, doing work around the pond.

Commissioner Bachand: I understand. So, but what I was getting at is, can we expand on that. I mean, we'll wait to see what we come up with by saying, but can we go we can't, we can't force the parks department or can we force them to do what else we think should be done on the other side, let's say.

E. Hinckley: I don't think you can force them, no.

Commissioner Bachand: Yeah, okay. That's what I was getting at.

Commissioner Clark: I just want to say that my memory is the same as Commissioner Bachand's memory and I just, I, again that's why it would be nice to see a copy of that now because I remember giving permission to do what they wanted on the east and don't touch the west. That was that's my walk away from it. So, I'm glad to hear it was more muted. But I, I thought it was difficult for them to do any of the work over the last few years because the pond never froze or may never freeze again.

J. Krupienski: Mr. Chairman. It's James.

Chairman Sadil: Who was that?

E. Hinckley: It's James.

Chairman Sadil: Mr. Krupienski.

J. Krupienski: Would you like me to put up the minutes for the motion that was made from that meeting.

Chairman Sadil: I can send that out after the fact, right, Erik, I think we can look at that..

E. Hinckley: Prior, I will send that CO, the certificate of action, i will send that out on Monday.

Commissioner Clark: Thank you and may also say, I'd love to see the discussion that took place at that meeting as well. I think that's a great idea. If that's in fact what James was suggesting

E. Hinckley: Yep, I can send them as well.

Chairman Sadil: Okay, if there's nothing else on invasive plants. Next is item eight C, vernal pools

C. Vernal Pools

Chairman Sadil: Commissioner Paskewich do you have anything to report this month?

Commissioner Paskewich: Well, not to report, but I did read the Minutes, even though I was not the last meeting regarding the regulation amendments and additions for vernal pools and in the minutes from my memory I read that Erik asked if anyone had read the changes that were red lined and there was no comments that I could see. So we need to move forward on that and I'd like to know when person's would be reviewing those so that we could bring it forth to the appropriate council for their review itself.

E. Hinckley: Is really up to you guys. I sent out the red line copies to everybody a couple months ago so you all should have them. So it's a matter of you guys reading them and taking action. That's why it's on the agenda so...

Chairman Sadil: So are there any comments from the Commissioners relative reviewing those revisions on the vernal pools.

Commissioner Clark: I'll say, at the time I read them, I thought they looked acceptable, but it's been a while. So I'd have to dig them out and look at them again.

E. Hinckley: Well, maybe I'll recommend that you guys all take this month to look at them and you can have a better discussion next month and then we can incorporate them into the regs and get them ready to go through the process of getting them approved by council.

Commissioner Bachand: Is there any way you could send those again. Excuse me, John Bachand. It there any way you can send those again Erik?

E. Hinckley: Yeah, it will be on Monday.

Chairman Sadil: So do the rest of the Commissioners to feel comfortable one more month and at the September meeting adding comments, we're obviously looking for feedback. Otherwise, before the meeting would be optimal, so we can do the revision before the meeting or discuss it in advance, a rebuttal if necessary and move forward as Commissioner Paskewich has requested. That seem fair?

Commissioner Bachand: That sounds good. We can review them and if we have a serious matter or issue we will send it to the chairman and to Erik. Is that what you're suggesting?

Chairman Sadil: Yeah. Remember we had a subcommittee going. Me and Commissioner Paskewich. So let's be sure, maybe put that on their Old Business Erik instead of Communications and Reports to say have a discussion on this upgrade that escalate that a little bit higher, for Old Business for September

E. Hinckley: You got it.

Chairman Sadil: Commissioner Paskewich you ok with that?

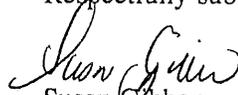
Commissioner Paskewich: Yes, thank you, and I hope the members have time now the heat wave is over, especially to take a few moments or read piece by piece, there's quite a bit. Not expecting you do it in one sitting. Maybe chip it out a little bit at a time, and hopefully in a month, we can have some comments back and if there's no negative comments, then we can move forward with it.

Chairman Sadil: Anyone else want to comment on vernal pools? Seeing none, can I have a motion to adjourn.

IX. ADJOURNMENT

Motion by Commissioner Clark to adjourn the meeting. Seconded by Commissioner Block. All in favor. Meeting adjourned at 8:03 p.m.

Respectfully submitted,



Susan Gibbon
Recording Secretary