

CONSERVATION COMMISSION

REGULAR MEETING OCTOBER 21, 2014

CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. Verbatim minutes are not available due to a malfunction of the recording equipment.

Chairman Block called the roll call at 7:01 p.m. and noted Commissioners Igielski, Sadil, Casasanta, Ancona, and Clark were present. Also present were Alternate Krawiec, and Mr. Chris Greenlaw, Town Engineer.

Alternate Manke was absent.

Commissioner Zelek arrived at 7:45

Alternate Paskewich arrived at 7:05

NOTE: Chairman Block noted that Alternate Krawiec would sit for Commissioner Zelek.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Roy Zartarian, 25 Stuart Street commended Commissioners Clark and Krawiec of the Conservation Commission and Commissioners Fox and Graham of the Department of the Quality Commission Clinic on a "fantastic" job they did in organizing the cleanup of the parks on Saturday, October 18, 2014. Secondly Mr. Zartarian commented on a newspaper article that appeared on line in the Hartford Courant on September 23, 2014. Mr. Zartarian took issue with Chairman Blocks statement that he dismissed concerns that clay could have caused significant damage to the wetlands and secondly the statement that if Mr. Bachand had come to the Conservation Commission his concerns could have been addressed. Mr. Zartarian stated that Mr. Bachand had come before the Commission and had been cut off and ruled out of order by Chairman Block and Town Attorney M. Boorman, Esq.

Rose Lyons, 46 Elton Drive thanked Commissioners Igielski, Zelek and John Block for listening to her concerns regarding the flooding of Mill Brook and Piper Brooks. She read an email response from an employee of the Natural Resource Conservation Service to which she had posed concerns regarding the cleanup of Mil Brook and Piper Brooks. She stated she spoke with the Town Engineer at that time (2008) concerning the cleanup of the brooks, the resources available to maintain, and the difficulty to rent the appropriate large scale equipment to maintain the annual overgrowth. Her concerns are based on who is watching to see that the brooks are properly maintained. In closing she stated that Newington had failed to sign an agreement with the State and so little is done to maintain Mill Brook and Piper Brook. She stated that she wished there were some kind of system in place that could not only maintain the water courses but also a plan in place for future maintenance of what the town owns and has around it.

John Bachand, 56 Maple Hill Avenue, asked Town Engineer, Chris Greenlaw if the letter from him to the Commission of the previous meeting had been distributed. Mr. Greenlaw responded that he had submitted them to Mr. Chairman. Mr. Bachand asked Chairman Block if the letter had ever been distributed.

Chris Greenlaw: "The MSDS letter was".

Mr. Bachand stated that he had the letter and proceeded to distribute copies to the Commissioners. Mr. Bachand stated that the letter was a kind of rebuttal of the characterization of him that had made him speak out at the previous meeting in which he attempted to state his opinion that there was a rush to clean up the clay courts in a haphazard manner. He addressed the comment made in regards to the re-training of the employees in regards to the cleanup. He stated that he feels the importance is in the people who make the decision to go in, in a haphazard, irresponsible manner. He stated that on page 3 of the correspondence to the Town Engineer, Town Attorney, and Town Manager that the Town Manager had responded to him in an email, stating that the Town Engineer was out that particular day and would contact him (Mr. Bachand) when he returned to work the following day. Mr. Bachand stated that Chris Greenlaw did indeed call him. Mr. Bachand commented on a statement made by the Town Manager that the materials removed would be recycled and put on athletic fields. Mr. Bachand shared the MSDS and the hard true construction data that showed clearly the chemicals that are used in the maintenance and construction of the cork, showing the material data safety sheet was strictly for the clay material which is fairly inert by itself. Regardless he feels these chemicals should not be allowed to be washed down drains or allowed to run into bodies of water. Mr. Bachand pointed out a picture showing dead trees in varying stages of growth, indicating that all dies of one cause all at the same time.

Scott Greczkowski, 46 Miami Avenue, shared the concerns of other residents concerning the clay removal of the tennis courts. In researching the hard true tennis courts Mr. Greczkowski went on to explain that the chemicals used are categorized as Category 2 form of target or major toxicity and may cause lung cancer and with extended exposure has the potential to contain asbestos born materials which with the appropriate exposer can cause lung cancer as stated and mesothelioma. The toxicity depends on its toxicity to wetlands. Mr. Greczkowski stated that he read an email from a friend who works at the DEP in Washington DC to the Town Council meeting of October 20, 2014 pointing out that the major chemical that is used in making clay tennis courts is magnesium chloride.

Greczkowski Magnesium chloride in large doses is dangerous to wetlands and can kill plants and trees he stated. Mr. Greczkowski stated that it appeared to him that someone said "Oh my God, we have a problem here, let's go clean it up before we get in trouble" and then proceeded to go in and try cleaning it up. Mr. Greczkowski felt the town did a poor job of cleaning. Mr. Greczkowski stated that it appeared to him that the town tried to rake the materials flat, with more of the material raked into the wetland themselves, with grass seed being placed on top of it. Mr. Greczkowski stated that he feels the town clean up could have caused more damage than if they had left it alone or had done a study to see what was the best way of dealing with the material. Mr. Greczkowski asked if the cleanup was legal under the

towns permit. Mr. Greczkowski asked the Commission to take care of the town and properly deal with matter. Mr. Greczkowski that future meetings of the Conservation Commission be televised for the residents who are unable to attend the meetings.

ITEM IV

ACCEPTANCE OF MINUTES

Regular Meeting of September 16, 2014

Commissioner Clark noted the following corrections:

- A. Was Commissioner Krawiec present? Commissioner Krawiec was noted as absent on roll call
- B. Chris Greenlaw's last name was listed as Clark on roll call.
- C. Page 27, Section C – Northeast Utilities Substation Site – Garfield Street. Comments made by Commissioner Zelek did not appear.
- D. Page 29, bottom – work Approved – Spelled out A P P R O V E did not appear.
- E. Commissioner Krawiec: Page 19 under Community Litter Pick up. Should be Litter no liter.
- F. Commissioner Paskewich: Page 2, two thirds of the way down. Statement "I don't agree with your opinion, I agree with the Chairman's opinion and then says Commissioner Casasanta. should be Commissioner Sadil who seconded.

Commissioner Clark speaking for Commissioner Zelek who was not present states he is concerned that the minutes were somehow changed from their original version online. She states that due to the omissions he will not approve the minutes as presented.

Motion made by Commissioner Clark to table the minutes as presented and was seconded by Alternate Krawiec. Vote was 7 yes, 0 no and the motion was carried.

ITEM V PUBLIC HEARING

A. Application 2014-11A, 100 Milk Lane, Map Amendment

Mr. Chris Greenlaw read the "Public Notice" of the public hearing that appeared in the Hartford Courant on October 9th and 16th, 2014 into the record.

Gregory Hunt: Gregory Hunt, Buck & Buck, LLC, 98 Wadsworth Street, Hartford, Connecticut 06106, I'm representing Saputo Dairy Foods, USA for the map revision for the wetlands on their property. They want to get a map revision because they periodically do work around the plant and their noticing that

some of their buildings and parking lots were falling within wetlands lines and with unnecessary delays in future projects and so that's why were in here today.

Eric Davidson: A registered soil scientist and a certified professional wetland registered scientist entered the following remarks into the record:

- A. Essentially what you have coming into Milk Lane is wetland on both the north and south sides connected by a culvert.
- B. North side you have a manmade pond surrounded by lawn and if you look closely you will see a small green fringe around the pond around the area of actual water that's actual a shallow area of lawn and earth that also wrapped but just slightly extends beyond the pond.
- C. This area is predominantly wooded swamp, it's off inside the tree line and extending up into the utility line right of way here and altering down to here where this stream, you see there's a stream here that extends off the property.
- D. On the south side of the road, the culvert that's here, you've got this channel that flows down and off the property, there's a small side channel here, most of this boundary here like this area here is all historically altered wet limits.
- E. There is old fill and channelization in here so this wetland line is essentially edge of fill, edge of old disturbance wetland area here.
- F. On this side of the road there is this large wetland system here which starts within an open clear area, there is mostly very dense fragmentize, again this is all essentially altered wetlands,
- G. As you climb up into the slope into the woods you see a more natural wetland feature where it originates on this upper hillside here, you get some ground water discharge and this whole upland area is wooded.
- H. This very small isolated pocket is just sort of a remnant.
- I. Historically this was probably a larger wetland system, similar to what you have here mapped in red, but whatever activity was done here separated or fragmented and left this small little piece here.
- J. This area does drop into a culvert, this split does drop into a culvert, and obviously discharges to this channel featured that you see on this side of the road.

Chairman Block asked if there was a prior on site wetlands line established in this location. Or is it again, just a reference to government data? Chris Greenlaw responded with:

Chris Greenlaw: The wetlands lines that are displayed are the wetlands from the town map that would be an indication from the soil conservation service from years ago and accumulation from years ago. They employed a boots on the ground soil professional to go out and make a professional determination on what he did to delineate outside the water course areas the soil areas to determine the delineation he had.

Eric Davidson spoke to the basic process of how the soils in Connecticut are defined.

Mr. Davidson stated that Wetland areas are defined by soil type.

Mr. Davison stated that anything that is considered poorly drained or very poorly drained soil is considered a wetland soil.

Mr. Davison stated that Connecticut has iron rich soil and that clay in Connecticut is rare.

Chairman Block stated that he thought that there had been an actual boots on the ground evaluation in the past and so was concerned about the changes in the accuracy, but again the original lines were created by estimates and aerial photographs and the other normal procedures at that time, again this has been more accurate survey.

Eric Davidson responded that yes, he could say with some certainty that having looked over soil surveys thousands of times over the 15 years that he has been doing this, that when you see these large size wetlands in a large size like this without any sort of definition, other words, you see how the lines are fluid as opposed to having vertices like you would actually find in the field.

Commissioner Sadil asked to be shown the area again. Eric Davidson showed the area on the map again.

Commissioner Paskewich asked if Eric Davidson could point out the typical area along the line of where you sampled and how far apart they were.

Eric Davidson pointed out that the process is how many holes you dig and how frequently you dig. You dig a hole that you presume is going to be wet and then you work your way up the slope, you dig another hole and then another hole and then you find that break, you generally try to stay within 5 and 10 feet of those two holes a wet hole and a dry hole and you move on. Depending on how abrupt the slope is wetland to wetland, or how much the wetland curves your might dig a hole every 5 feet, or you might dig a hole every 4 feet.

Commissioner Paskewich: asked: Did you say 4?

Eric Davidson responded that in some cases, not in something like this. In this case you would dig holes more often. A site like this where there's been a lot of historical disturbance and lawns and things like that this is a site that you would dig about every 10 feet.

Commissioner Zelek reminded the Chairman to ask for anyone from the public who might like to speak regarding the application.

A member of the public made a request that additional illustrations be made available to the public for viewing.

Commissioner Igielski made a motion to close the public hearing on Application 2014-11A. The motion was seconded by Commissioner Zelek. Vote was 7 yes, 0 no and the motion was carried.

B. Inland Wetlands Regulation Changes – L.I.D. (Low Impact Development)

Chairman Block asked Mr. Greenlaw for an update on this matter. Mr. Greenlaw responded that he was still waiting for formalized written comments on this matter.

Commissioner Zelek asked for an update on the status of the council comments. Mr. Greenlaw indicated that there was nothing to report at this time.

Chairman Block asked if there was anyone from the public who would like to make a comment.

Commissioner Casasanta made a motion to carry over the Public Hearing to the next meeting. The motion was seconded by Commissioner Zelek. Vote was 7 yes, 0 no, and the motion was carried.

I. NEW BUSINESS

Chairman Block indicated that there was no new business.

II. OLD BUSINESS

A. Application 2014-11A, 100 Milk Lane, Map Amendment

Chairman Block asked Mr. Greenlaw if the application is complete, Mr. Greenlaw responded yes. At this time a list of suggested reasons was passed out to commissioners for review.

Commissioner Igielski made a motion that the Commission, after a review of the applications and supporting documentation, Public Hearing held on October 21, 2014 and subsequent discussion by Commission members, make a finding of fact to approve proposed map amendment to redefine wetland limits for Land Parcel at 100 Milk Lane as shown on map that is part of the application documentation and issue a permit by Plenary Ruling for the following reasons:

- A. Wetland limits shown on Town Map are based on interpretation of Wetland soil limits from Soil Survey, Hartford County, Connecticut prepared by Soil Conservation Service in cooperation with Connecticut Agriculture Experimental Station and Storrs Agricultural Experiment Station.
- B. Applicant has retained an engineer, Mr. Greg Hunt, who has certified on a map entitled, "Wetland Map Amendment, Saputo Dairy foods, USA, LLC, 100 Milk Lane, Newington, Connecticut, Sheet MA1, Scale "As-noted", Date: 8/29/14, as being true and correct Wetlands that were flagged in the field by registered soil scientist, Eric Davison on July 22nd and July 24th, 2014, revised October 3, 2014.
- C. There were no public comments in opposition to the map amendment.
- D. Review and discussion by the Commission

The motion was seconded by Commissioner Zelek. The vote was 7 yes, 0 no and the motion carried.

B. Inland Wetlands Regulation Changes – L.I.D. (Low Impact Development)

Chairman Block indicated that there was nothing to discuss at this time because the Public Hearing is still open.

C. Community Litter Pick-Up

Commissioner Clark and Alternate Krawiec updated the Commission on the successful cleanup of the parks which took place on October 18, 2014.

D. New initiative – Vernal Pools

Commissioner Zelek did not have any additional information at this time.

E. Invasive Plants

Commissioner Clark led a discussion pertaining to invasive plants, primarily the Kudzu vine

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(Each Speaker limited to two minutes)

Gary Bolles, 28 Burdon Lane, spoke on the pod container which is located behind the Bus Garage on the north side of Garfield St. He expressed concern that it may be a hazard to the wetlands. Mr. Greenlaw stated that he would check into it.

Rose Lyons, 46 Elton Drive, reported to the Commission on her conversations with and an email correspondence from a DEEP representative regarding the maintenance of Mill Brook and Piper Brook.

John Bachand, 56 Maple Hill Avenue, reiterated his earlier concerns regarding Mill Pond Park.

A new resident to Newington addressed the Commission stating that she was concerned and saddened by the manner in which the Commissioner addressed each other and the lack of professionalism.

IV. COMMUNICATIONS AND REPORTS

A. Mill Pond Park – Tennis Courts, Material Filling, Regulated Area.

Chris Greenlaw presented an update as to the filling that went on at this location. He reported contacting the DEEP with regard to a special request for municipal staff training. The DEEP is reviewing the request and has not responded at this time. He informed the Commission that a soil scientist had been contracted to perform testing on the material in question (hard true). Additionally it was offered that the soil scientist would attend a future meeting to discuss the results of the testing and to answer questions.

Following the update there was a general discussion among the Commissioners regarding the following topics:

The MSDS, The vegetation, animal habitat, and any proposed remediation.

B. Northeast Utilities Substation Site – Garfield Street, Paving Operation, Regulated Area.

Mr. Greenlaw updated the Commission regarding his findings with regard to the Northeast Utilities site. This information has been forwarded to the town attorney for his review. At this time Mr. Greenlaw is awaiting the Town Attorneys comments and or determination.

Commissioner Zelek stated that all town activities on this site cease until this matter has been resolved.

C. Application 2014-12AA, 169 Forest Drive – Deck Installation in Upland Review.

Mr. Greenlaw updated the Commission that the activity in the upland review area involved the installation of three piers to support the deck.

D. Communication regarding pending litigation

Commissioner Zelek communicated to the Commission his attendance at a Council session and made inquiry of the Council as to the selection process for the attorney's representing this commission in this appeal. Commissioner Zelek then inquired of Chairman Block his participation in the selection process. The Chairman replied that he did not recall anything more than having been told of several names from which one would be chosen.

E. C.A.C.I.W.C. Membership renewal and annual meeting

Mr. Greenlaw offered for discussion renewing the membership to the C organization. Consensus was that the membership be renewed. Additionally anyone wishing to attend was directed to make the request directly to the Chairman.

V. ADJOURNMENT

Commissioner Sadil moved to adjourn the meeting. The motion was seconded by Commissioner Clark. The meeting was adjourned at 10:14 p.m.

Respectfully submitted,



Linda Costanzo
Temporary Recording Secretary