



NEWINGTON CONSERVATION COMMISSION

Tuesday, November 15, 2016

MEETING MINUTES

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:00 p.m. in the Room L-101 of the Town Hall.

II. ROLL CALL

Jeffrey Zelek
Andreas Sadil
John Igielski
Kathleen-Marie Clark
John Casasanta
Alan Paskewich
Peter Arburr
John Bachand

Also present

Mr. Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

Chairman Zelek seated Commissioner Paskewich for Commissioner Manke and Commissioner Bachand for Commissioner Block.

*(*The minutes of the meeting held on November 15, 2016 are verbatim.)*

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

None

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of October 18, 2016

Commissioner Clark: Page 6, bottom of page - "taking" should be "taken"; also "Matchment" should be "Management".

Commissioner Igielski: Page 5, it should read "will not have a major impact."

Motion by Commissioner Igielski to accept the meeting minutes as amended, seconded by Commissioner Clark. Vice Chairman Sadil abstained from voting. Motion passes.

V. PUBLIC HEARING

None

VI. NEW BUSINESS

Chairman Zelek: Moving on to the next item New Business Item A, Application 2016-16A, 711 North Main Road – Wetland Map Amendment. If the applicant is present would you, please come forward and state your name. Also, I would like to remind the commissioners, this is a wetland map amendment, we will need a vote tonight. Please be as brief as possible *[inaudible – maps being unfolded over mics.]*

A. Application 2016-16A, 711 North Mountain Road – Wetland Map Amendment

Sankar Ganesh: Good evening, my name is Sankar Ganesh and I am from we were hired from the Metropolitan District Commission as a part of the design of the south tunnel project. This is a small portion of that project. The project will be introduced by Brian, next. We would like to apply for a Wetlands Map Amendment at 711 North Mountain Road. The existing wetlands is shown is light green. We looked into this and we walked the site and we found that the existing wetlands, according to the town, was old because right now the existing wetlands is in a paved area and this is asphalt actually, so what we did was we had a wetlands scientist walk the site and he found that the wetlands was much further west as shown in dark green, kind of towards the end of the slope, so we request that map to be amended in the town's GIS database. The violet line shown here is the upland buffer area based on the town's existing GIS database, that would be the new, once it is amended, the new buffer zone would be the one in red.

Chairman Zelek: Would it be possible to instead of using the two green lines, use, I see you are using a hatch line for the upland review area, a solid line for the wetland. Can you show the existing as blue and the proposed as green?

Mr. Ganesh: Yeah, sure.

Chairman Zelek; Also, I noticed that is no site map that shows us in relationship to the souring area where this is.

Mr. Ganesh: Yes, I had this and then I removed it, I can put a site map in, I can do that.

Chairman Zelek: Chris.

Mr. Greenlaw: Mr. Chair, just for clarification so I can convey this to the applicant. You want both existing lines in blue and both dashed upland review lines in green.

Chairman Zelek: No. The existing wetland in and the existing upland review in blue and the proposed wetland in green and the proposed upland review in green.

Mr. Ganesh: And the proposed upland review would be dashed.

Charmin Zelek: Yes.

Commissioner Casasanta: Both uplands are dashed.

Mr. Ganesh: Yes.

Chairman Zelek: Right. It's just that the double green is kind of confusing. Commissioners anything? In that case, John can I get a motion to hold a public hearing.

Commissioner Igielski: I make a motion per section 15.7 of the Inland Wetlands and Watercourses regulations of the Town of Newington, that the commission hold a public hearing on Application 2016-16A, 711 North Mountain Road, for the proposed map amendment to establish wetland boundary limits determined by soil scientists in the field on December 20, 2016 at 7:00 pm in Conference L-101, Town Hall.

Chairman Zelek: Very good. You want to just validate that is the right date, the 20th?

S. Gibbon: Yes, it is.

Chairman Zelek: It is, ok. Can I get a second on the motion?

Commissioner Casasanta: I second.

Chairman Zelek: Second is from Commissioner Casasanta. All in favor.

Commissioners: Aye.

Chairman Zelek: Abstentions? Opposed? The vote is unanimous. We will hold a hearing at the next meeting on the map amendment. Now we will move on to the next which is Application 2016-17, 711 North Mountain Road – Construction Entrance/Access Road in URA.

A. Application 2016-17, 711 North Mountain Road – Construction Entrance/Access Road in URA

Brian McCarthy: Good evening commissioners, my name is Brian McCarthy and I am with CDM Smith, also working with the Metropolitan District on the project. I would like to take a few minutes just to describe why we are doing the project and why it is important to us. As part of the Clean Water Project, which I am sure that all of you are somehow aware of, and as a response to a consent order from CT DEEP and a consent decree from the EPA a big part of that is eliminating sanitary sewer overflows which this project directly addresses. The clean water project has a lot of different components to it, I will just focus on the bottom part there, that squiggly line that goes from across the bottom of the map is the south Hartford conveyance tunnel. That project is actually split into five different contracts. One of those is, the largest one is just getting started, that is actually going to be boring a tunnel from the Hartford water pollution control facility four miles west into West Hartford. And then you will see in the bottom left portion of that map there where it says Newington, that is kind of where the project is that we are talking about here. That redline is going to tie into the Newington trunk sewer and carry flows down to the tunnel. That is part of a second contract, one of three other contracts that will be needed to make the project operational. One is the plant for a pump station fit out and there is two build feeder conduits into a tunnel. So this particular project, which is the subject of tonight's meeting, won't be going out to bid for a

couple of years, but we did the design all concurrently, because all the pieces have to fit together. So again, this is just a blow up of the south tunnel. If you look at the lower left portion of the screen there, right near the border of West Hartford, Hartford, Newington, again we see that red section of pipe that goes northward towards the tunnel. That is designed to pick up the sanitary sewer overflow that currently discharges into Piper Brook. So the Newington trunk sewer pretty much drains, collects all the waste water from the Town of Newington, almost all the waste water from the Town of Newington, there is a few other main sewers that lead into it, but that all flows into Hartford at, you know, when it crosses the town boundary there behind 711 North Mountain Road. On an average day the flow through that pipe is about three million gallons a day and, when, at its worst when we have high ground water, heavy rain and so on that can go by a factor 10 in terms of that flow. The problem is, the system can't handle that much flow and there is a structural overflow there. It is typical for about once a year in the heavy rain we might get an event that discharges over a million gallons of combined swells. It is a sanitary sewer, it has a lot of storm water and ground water infiltration into it, but is raw sewage dumping out into Piper Brook there. And that is kind of what that structure looks like looking towards Newington. That building in the back is part of 711 North Mountain Road. So you can see the Newington trunk sewer kind of runs right to left across the page there; there is a man hole and diversion structure there which leads to that SSO outwall. So, part of what we're doing for north and West Hartford is putting a new diversion structure in that pipe to relieve it when is flowing past its capacity and so that will essentially eliminate this overflow here. We will still have, be building something here that will for 99.9% be locked shut. We would need permission from DEEP to open the gate to allow an emergency overflow there but this is part of our requirement with EPA to eliminate this outwall. That is what the project is designed to do. So we need to get into this wetlands area to do some work to make the project happen.

Chairman Zelek: For quick clarification, that picture there, that is West Hartford?

Mr. McCarthy: I am standing in West Hartford looking towards Newington. So, the structure itself is in West Hartford, but we need to, because of the slopes, we need to access it from....

Mr. Ganesh: No, there is creek, I'll explain.

Mr. McCarthy: Ok, Sankar can.

Chairman Zelek; You are here to apply for an access road to get to this area.

Mr. McCarthy: Right. So, if you look at the regulated activity, here is the town line here. We need to get in through....

Mr. Ganesh: So basically, the structure will be here, in this location.

Mr. McCarthy: Just go up and point to it.

Mr. Ganesh: Ok. The structure is going to be here in the location, but we can't access if from the other side because there is a distributary that goes, so what we are proposing is we

enter through Newington, so we will be accessing the structure from Newington. That is why we were applying for the wetland access. Only this portion of the work will be in Newington.

Chairman Zelek: So, what is behind this building; that is all paved impervious surface right now?

Mr. Ganesh: Yeah, up to here.

Chairman Zelek: Ok. The work that you are proposing is just this little dark access road?

Mr. Ganesh: Yeah and then silt fence. This is to prevent the soils from eroding and allow to put silt fence around that so that silt won't leave the site and we can contain it in the site. Once the construction, we will be doing some minor grading through here, and once the construction is complete, we will be planting native species in kind for whatever we remove. But we won't be removing any trees that this more than 24". Will probably be removing some trees, but we will be planting them in kind at the end of construction.

Chairman Zelek; When you say 24", are you talking height or caliber?

Mr. Ganesh: Caliber.

Chairman Zelek: What is there now? Is that an access road today?

Mr. Ganesh: No.

Chairman Zelek: It's just a vegetative area?

Mr. Ganesh: Yes.

Chairman Zelek: Do you have any photographs of what it looks like today?

Mr. Ganesh: Yes.

Mr. McCarthy: This one kind of shows that.

Mr. Ganesh: So basically, we will be accessing the site right there and all these big trees will stay, the small, we may have to remove some of the small shrubs and trees. Whatever we remove, we will plant in kind.

Chairman Zelek: So, you will take an inventory of what is there and then replace it.

Mr. Ganesh: Yeah.

Mr. Greenlaw: Mr. Chair, I want to point out, this photo right now, you are in West Hartford. The work that is going to commence here is all West Hartford work. Would you please note for the commission where the town line is and where the work is so that these commissioners understand, the work you are showing them right now is in West Hartford

wetlands. It is outside that purview and authority of this commission. Can you point in that photo show them where Newington is?

Mr. Ganesh: Can you go to the previous....

Mr. Greenlaw: No, show them right here.

Mr. McCarthy: It is up on that ridge line in the back where you see that tall tree.

Mr. Ganesh: Yeah, you see the ridge line here?

Commissioner Bachand: Behind that tree.

Mr. McCarthy: Yeah, behind that big tree.

Mr. Ganesh: It is behind the big tree. Can you go to the previous slide...?

Mr. McCarthy: Yeah, the map, sure.

Mr. Ganesh: I want to see if you can see the big tree. I think this is the big tree. It is kind of behind it. The town line is behind it. This is the big tree.

Mr. Greenlaw: For the benefit of the commission, please orient them as far as where is the proposed wetland line, upland review, the town line and respectively if you can delineate the activity you are proposing and what is the square footage of impact, roughly within the upland review area. Just so they have an idea of the work you are proposing in Newington as opposed to West Hartford.

Mr. Ganesh: It is probably 150 square feet as far as the impact to Newington. Most the work will be in West Hartford. Like I said, this is a big tree and then most of the shrubs and plantings and all those are in West Hartford, but there is some small vegetation here, but is it not significant.

Mr. McCarthy: The redline is the upland review as requested in the amendment, the red line is the upland review area.

Mr. Ganesh: Yes, this is upland review area. You can see that this is upland review area, it is nothing, it is just, there is not much here are all.

Commissioner Sadil: What is that road going to be made of, excuse me Mr. Chairman, what is that temporary road going to be made of?

Mr. Ganesh: It is going to be 2" aggregate, four-inch-thick, two inches on top of textured fabric.

Commissioner Paskewich: To expand on the question, that construction...

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: That stabilized construction entrance is the road? And is that going to be level or is it going to be pitched?

Mr. Ganesh: It is going to be pitched, slightly. The slopes are already there.

Mr. McCarthy: I think it is pretty much going to follow the existing contour to the extent possible.

Mr. Ganesh: Because it is kind of flat here and it kind of slopes this way, so there is a natural slope to it.

Commissioner Paskewich: So, as I remember in the photo, the pitch seems to move towards that stream.

Mr. Ganesh: Yes.

Commissioner Paskewich: So how are you going to stabilize the sides of that entrance from any debris that can be moving from the tires or the mud.

Mr. Ganesh: So, that will be captured by the silt fence that is being put in the perimeter of the construction staging area. So, all this, there will be a silt fence here, so it will all be captured by a silt fence.

Commissioner Paskewich: And along the sides of this entrance?

Mr. Ganesh: So, you mean here?

Commissioner Paskewich: No, if you look at this graphic illustration, it looks like the stone that you speak of is where the aggregate is, two-inch aggregate, the sides of it. If you look at the parallelogram, to the left and the right of the sides, how are you going to stabilize the side of it?

Mr. Ganesh: No, that is pretty flat, if you go to the previous.... this is like really... so this area is pretty flat. We will be accessing the site through this area.

Commissioner Paskewich: It doesn't look flat.

Commissioner Sadil: It appears steep in that area.

Commissioner Paskewich: It appear steep.

Mr. McCarthy: Along the side, the silt fence will be, if we need to put silt fence around the edges of the entrance, we can do that.

Mr. Ganesh: Yeah. We don't want to do too much grading because this goes to the wetlands and we don't want to change the contours.

Commissioner Sadil: Mr. Chairman, my question is what size vehicle do you plan on accessing the site.

Mr. Ganesh: That would be like normal type construction, backhoe....

Mr. McCarthy: I would assume, probably a tract excavator, you know, dump trucks, service vehicles, and so.

Commissioner Sadil: Significant tonnage.

Mr. McCarthy: Ah, yes, significant, but it is, and the, but we also know that we have a pipe there to worry about as well. We are not going to bring anything too heavy in here.

Commissioner Paskewich: Well, going back to my original questions, collectively. These are going to be mobile for how long?

Mr. Ganesh: the construction will be for one month.

Commissioner Paskewich: One month. I am thinking of debris in the tires, they can be moving away from this area, this is impervious or pervious?

Mr. Ganesh: Pervious.

Mr. McCarthy: Pervious.

Mr. Ganesh: Completely pervious.

Commissioner Paskewich: Pervious, completely, ok.

Mr. Ganesh: It is going to be 12-inch-thick, two-inch aggregate on top of __ type fabric.

Commissioner Paskewich: I am still looking at the slope. I'm a little concerned about debris moving from the vehicles, other than just the tires.

Chairman Zelek: Commissioner Casasanta?

Commissioner Casasanta: In this photo, most of the area, including the, what we are trying to make out as a slope in in West Hartford, I am correct?

Mr. Ganesh: Yes.

Mr. McCarthy: Correct.

Commissioner Casasanta: Because it is on this side of the ridge line, so I am not sure if that would even be an area for us to be really touching upon, should that be up to the town of West Hartford to?

Chairman Zelek: It will be.

Commissioner Casasanta: Ok, then my follow up question is, in light of the map amendment change, what potential impacts from this operation do you see on the wetland that is within the boundaries of the town of Newington? If there are going to be any.

Mr. McCarthy: Minimal to none.

Mr. Ganesh: It is going to be really minimal. If you go to the regulated action page. So, once we amend the map, we are basically only worried about this small area, that is what we were discussing about being utilized as construction entrance.

Chairman Zelek: It is about 150 square feet?

Mr. Ganesh: Yes.

Chairman Zelek: Roughly, and it is in the upland review area. There is not disturbance to the wetlands itself?

Mr. Ganesh: No.

Mr. Greenlaw: Mr. Chairman, the proposed footprint is approximately .013 acres and the consultant has identified it as upwards to 500 square feet. Which is standard for a construction entrance, really this is an entrance area to the real work that needs to be done in West Hartford. It is necessary, I don't want to speak for the consultant, but they are saying it is necessary to enter from the Newington side because they have the tributary, the Piper Brook, that they have to cross.

Mr. McCarthy: If you look at the typography, and I note, I appreciate your trying to stick within your jurisdiction of Newington, I was hoping to give the context of the project, we are going through the same issues in West Hartford and you are each being notified of the activity in your towns. But if you look at the typography in West Hartford there, it is kind of impossible, very impractical for us to get down into the area of question, plus we have the brook there with the slopes on the back of the apartments there. And there is an existing easement for the trunk sewer that goes through the property and provides us the rights to access that as well for maintenance.

Chairman Zelek: And again, we are looking at significant impact to the wetlands. Commissioner Arburrr.

Commissioner Arburrr: I am sure there will a certain amount of equipment and materials that will be used to perform the work and where will they be staged or stored?

Mr. Ganesh: We will basically be stored in this location.

Commissioner Arburrr: I would think then that you would want to put a note on the map stating that that area is going to be used, because in your presentation, you are making reference to, in my opinion that nothing is going to be done to that paved area, so I think you should add a note there that it is going to be a staging and storage area.

Mr. Ganesh: Yeah, I mean, there is basically going to be work in other locations. We restrict the contractor from not bringing material from other locations to the staging, he can't just bring materials from other sites to be stored at this location.

Commissioner Arburr: Excuse me, the only thing I am looking for is if the area is going to be used for storage and staging, it should be on the plan so we have something of record and we don't get a, Mr. Greenlaw doesn't get a call, there is activity out there where they are storing equipment and everything.

Mr. Ganesh: Yeah, I have indicated this line, you can see this thick line, that is the area to be used by the contractor for staging.

Commissioner Arburr: Just put it on the plan please.

Mr. Ganesh: Ok.

Chairman Zelek: What do you have in there, I really can't read it.

Mr. Ganesh: This one?

Chairman Zelek: Yes.

Mr. Ganesh: "Area to be regraded for site entrance work going be performed in the upland area."

Chairman Zelek: So, what area are you talking about, when you say it is regraded, is that the impervious area?

Mr. Ganesh: So, this small are right here.

Chairman Zelek: That small area.

Mr. Ganesh: Yeah, this small area, there is going to be some regrading in there and then this thick line here, that is where

Mr. McCarthy: The proposed lay down and support area for the contractor. All the rest of his staging and support will be in the existing paved area.

Chairman Zelek: So, are you already saying that is it noted on the map, then?

Mr. McCarthy: We can clarify that if it is not clear, right now. We can clarify that the staging and lay down area will be outside of the upland area.

Chairman Zelek: Yeah.

Commissioner Sadil: Mr. Chairman?

Chairman Zelek: Yes.

Commission Sadil: Once again, in that area, once the project is complete. Will access still be required for maintenance? You mentioned about maintenance.

Mr. McCarthy: Access, you know, would periodically be required, so our intent would be to leave the stabilized construction entrance as is.

Commissioner Sadil: The aggregate you mentioned, the construction fabric and all that would stay....

Mr. Ganesh: Yes.

Mr. McCarthy: Yes.

Commissioner Sadil: In place after everything is done.

Chairman Zelek: I thought I had heard that you were going to replant.

Mr. McCarthy: I think in the other, probably that is more West Hartford than any area within the review area that we disturb. I think we can certainly do that, if we replanted there, again the easement gives us rights to go over land adjacent to the easement to go in there and access it. So, I think leaving it as a gravel and stone area that is pervious would really be the best benefit rather than having to go back and necessarily cut vegetation again in the event we need to go maintain it.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: Where within all the documentation associated with this application do you indicate that the 100' upland review boundary and the wetland line are the result of an approval of Application 2016-16A dealing with a map amendment?

Mr. McCarthy: That sounds like something we need to put on the map, if it is not on there.

Commissioner Igielski: I am asking you to show me where it is.

Mr. McCarthy: Do you know if it is on there Shankar, anything on that?

Commissioner Igielski: Because now, the information presented to us is not correct. Because this upland review boundary and wetland shown on your map is not consistent with today's upland review boundary and wetland. It is based on a successful application 2016-16A.

Mr. McCarthy: Understood, I guess it was our hope that for expediency purposes, that we could do this in two meetings rather than three and we would present this application now such that the commission approve the map amendment and that this was kind of already there and you were familiar with it.

Commissioner Igielski: I would say that is pretty (*inaudible - coughing*).

Mr. Greenlaw: Mr. Chairman, what I propose is that, I don't believe this is uncommon with practice in the past, this can be clarified certainly with either a note or certainly we can put on the existing wetland and upland review line, whatever the desire of the commission is so they can clearly anticipate the footprint of this work, whether it be existing or the hopeful completion, succession of the inland wetland map amendment.

Chairman Zelek: So John, do you have a preference as to how you would like to have it noted on the plan?

Commissioner Igielski: Well I think what is necessary is that this application be kept open until after the map amendment has been completed and if it's successful, then what would be needed is just information to this map indicating that the wetlands and the upland review area are the result of Application 2016-16A. That way there is a continuity of information in the sequence of events that are more in norm instead of trying to expedite things by reviewing both applications at the same time would seem as there is no problem with that, it's the commission would have to insure that actions taken in the proper sequence before having anything approved and if approved then the information be added to this document so indicating that it was approved Application No. and date, then the commission can take action on Application 2016-17.

Chairman Zelek: It think the commissioner understands that. Is there anything you would like to see on the map to indicate.

Commissioner Igielski: Just some reference to the map amendment application and the date that it ends up being approved which therefore has to wait until the map amendment. And to accomplish this is seems as though the applicant will need to be requested to allow for all the necessary extensions allowable and if you are agreeable to it, such that this application can be kept open long enough to ensure that the map amendment application can be processed appropriately in the proper time sequence.

Mr. Greenlaw: Mr. Chairman. The second reference as to the time line is a provision of the statute and certainly part of our regs and we can, it is premature it is good knowing at this time. Would it be helpful to the commission at this time such that if we ask the, we can do one of two things, I can certainly ask the consultant to add a note as far as referencing these lines as shown be part of the Application 16-A map amendment, but if it would be clearer for the commission, we could ask the consultant to provide you with a map of the existing wetland and upland review within the time period of the actual wetlands today as our official map. Is that something the commission would desire?

Commissioner Igielski: I would think that by adding the upland review area as it exists today and the wetlands as it exists today might add confusion. Down the road, with everything taking proper sequence, then that information becomes moot because of a successful approval of the wetland change.

Chairman Zelek: Ok.

Commissioner Igielski: I think it is up to the rest of the commission to....

Chairman Zelek: No, I think you clarified. Commissioner Block.

Commissioner Block: Yes, I would like a little more orientation on, I can see Piper Brook apartments, is this square stretch with the address of 711 North Mountain Road, is that a building?

Chairman Zelek: Yeah, so again with the map, I was asking for a site map...

Mr. McCarthy: Like an index map.

Chairman Zelek: So, if you can include that also? Anything else from the commission?

Commissioner Igielski: Should there not also be a notification to the Town of West Hartford to be included in the applicant documents to ensure compliance with regulations, just for the record.

Chairman Zelek: Chris do we have that.

Mr. Greenlaw: Mr. Chairman, in expediting the first application, I did not have a chance to express to the commission that yes, we are required when there is an application within 500 feet of another town boundary, in this case it is West Hartford, precariously close to the Hartford also by the way, but West Hartford, I was, I did, inform the town clerk of the Town of West Hartford of both applications, so they have been notified officially of these applications, and additionally we will have the public hearing as part of the map amendment. So certainly, if you want a copy of that, I could email that to you, if needed, but I did show the chairman prior to this meeting that the Town of West Hartford has been informed and I think you for reminding us of that.

Chairman Zelek: Any other commissioners? All right. I think we can conclude and table this for the evening. See you next meeting. Ok, moving on. Next item is new business Application 2016-18, 3191 Berlin Turnpike – Installation of UST’s (Underground Storage Tanks) in the Upland Review Area (URA), could the applicants please come forward and state your name?

Application 2016-18, 3191 Berlin Turnpike – Installation of UST’s (Underground Storage Tanks) in the URA

Todd A. Parsons, P.E.: Good evening, my name is Todd Parsons with Lenard Engineering with me tonight Mark Temple my colleague. I am here representing Zyan Properties. Just as our cover sheet, the set of plans include a location map in the corner up here. This is the site plan, the Berlin Turnpike is over here, north is pointing up on this map, this is Richard Street down on the bottom. The property is .71 acres, it is a former gas station that has been closed for a little while and my client intends to reopen the gas station, a convenience store, and car wash. On this map, the building is the existing station convenience store, this is the car wash and this is the dumpster. The primary activity of this project is going to be to replace the fuel system which includes tanks, dispensers, electric services to the pumps and dispensers and the pool lines that go between the tanks. We will also be installing a concrete pad over the tanks and new concrete pad which are under the canopy, which the canopy extends all the way across the pad, this area here I am showing with the cursor. The former operator, Alliance, removed the tanks that were there before. They also removed approximately 153 tons of contaminated soil. Our project will be to install two new tanks in this area here. The piping that is shown on these lines here will go out to the new dispensers, which will be essentially the same location as the previous dispensers and the electric services and to reinstall a concrete pad underneath the canopy and over the proposed tanks. The tanks

that were removed had a volume of 40,000 gallons spread out into five different tanks. Our proposal is two tanks for a total of 21,000 gallons. The new tanks will go essentially in the same location as the previous tanks, there is basically a big opening in the pavement that has been back filled with gravel, so we will be removing that gravel to install the tanks. In order to the work, due to the proximity of the property line and just the building, we are going to have to use sheeting, otherwise the excavation would simply be too large. So, we will use conventional excavation equipment and drive the sheeting. Near the bottom there will be a need to dewater. That dewatering waste water will be treated before it is released with appropriate DEEP permits to the sanitary sewer. The tanks will be installed with dead men, which are basically counterweights so they don't float if they are empty. They will be filled with pea stone up to the level of piping, roughly three feet below finished grade. Once that is done then the sheeting can be taken out, the remaining piping work will be done and then the whole site would be back filled and repaved. So, for resource protection, there are some temporary protections and some permanent protections. The temporary protection is low, it's not a big disturbance, it is relatively small, it is all relatively self-contained since we will be excavating, it is not like we will be doing extensive grading that has a lot of opportunity for erosion. We do plan to wrap the downstream catch basin grates with filter fabric or equip them with silt sacks, there is a catch basin down in this area here in the corner and a trench drain that would also be wrapped. Stockpiles are the red areas here and here. There is not going to be a lot of materials stockpiled, because the vast majority of material that leaves the excavation has to go offsite. Because we are back filling with pea stone, we are not going to reuse existing material, so most of it will be taken off site. Because it is on a paved area where we will be placing the stock piles, we really would have a difficult time staking in silt fence, but we will surround it with hay bales and cover it with plastic so the rainfall that falls directly on the stockpiles will just simply run off. In terms of permanent resource protection, these tanks are totally compliant with today's standards, they are double-wall tanks, the tanks have product level sensors which allow for counting the amount of product that is brought in, the amount of product that leaves, you check that with the register receipts so you know when everything balances that you don't have a leak. There is also a leak detection system between the double walls of the tanks, so if any product gets into that double wall system, it will signal an alarm, or if there is a breach in the outer wall, the sensors will detect ground water, so you will know there is a breach in the outer wall, so either way, if there is a breach in the tank, a sensor will go off. They also have over flow alarms. All the dispenser piping is double wall also, so all the pipping that leads to the tanks and goes to the dispensers is double wall tanked, double wall piped, excuse me. There will be monitor walls installed on opposite ends of the tanks so that the ground water can be checked and all the disturbed areas will be repaved or covered with concrete pads. The concrete pad that goes around the dispenser areas will also have, what is called a positive limited area, which is a series of grooves in the edge of the concrete slab so that if there is a small spill, somebody over fills their tank or something like that, that would be captured in that and it can be cleaned up. There is no direct wetland impacts. On this map, this is your wetland line per your map, this red line over here is the upland review area, there is a brook off our property over here, so there is no direct impact. All the activity takes place within the paved areas of the site. The upland review area impact is approximately 4,800 square feet. We do have, on the next page, on the pdf it comes out a little dark, but basically these are the tank drawings. The dark area

is etching that shows where the pea stone will be and the rest of the details are for the dead men, concrete slab and the paving restoration.

Commissioner Sadil: Mr. Chairman, if I may.

Chairman Zelek: Mr. Sadil.

Commissioner Sadil: Relevant to the wetlands. There is no drainage, over drainage will be wading from the wetland. There is a green arrow. Once you are all finished, there is nothing going into the wetland, material going into the wetland from a rain storm, etc. etc.

Mr. Parsons: Well the site drains basically towards Richard Street. It is picked up into some drainage systems that ultimately go into the brook. So, site runoff does go into the brook, but all of our activities will be contained during construction.

Chairman Zelek: Do we know the age of those drains; do you know when it was constructed?

Mr. Parsons: A lot of it was constructed approximately 1985.

Chairman Zelek: Chris, would those meet current best management practices?

Mr. Greenlaw: Mr. Chairman, if I may. The consultants had the opportunity to discuss the subsurface of potential impacts and how they be mitigated. The question now is long-term or I believe you referred to them as any type of permanent effects from your stabilized site. So above ground subsurface the site does grade down to the, what I would say from the northeast to the southwest corner of the site and currently there is a collector basin there, kind of an old style, maybe sedchamber outlets directly to the wetlands. I know that you have had discussions with staff, but you have not received my formal comments. My formal comments, my number one comment, to you is going to be as far as outlining your long term mitigation plan for the subsurface run off and that I understand you have the v-channel concrete in order for smaller spills, but the tracking of any of the hydrocarbons from the fuels that is going to be offsite we currently have a LID standard that if you have greater than 600 square feet of renovation area that is impervious you have to implement LID provisions. You currently, I believe you put roughly eleven tenths point one one disturbance in the upland review. We see that as being impervious, whether it is five, six thousand square feet you access LID. So, I would ask of the consultant, I am going to formalize my comments in writing in preparation for the next meeting. I am going to ask of the consultant, the applicants consultant, to provide something as far as an LID provision to mitigate those runoffs. Again, the conversation with you, we are going to be looking for you to mitigate any potential runoff of fuel, sediment I see as the primary runoff, as primary and secondary treatment to intercept pollutants. This site, being so impervious, you probably will fall back into a straw fill type component. But before I digress too long we would be looking for something on site to mitigate those pollutants and that is certainly something I can have a conversation with you with for the next meeting.

Mr. Parsons: Certainly. I would think, you know, typically a place like this is referred to as a hot spot so you don't put in a infiltration system or something like that, you

typically don't do that. So, it would be something that I refer to as black box technology, squirrel concentrated.

Mr. Greenlaw: Ok.

Mr. Parsons: If that is what you are looking for in terms of some site of sediment.

Mr. Greenlaw: When I look at this site, again this is conversation we usually have with the consultant outside of the meeting when we look at our manual on LID that is infused within our storm water manual. But when I look at a site like this, we are looking at sediments, sands, salts, fuel spillage. So, when we go through our charts of potential BMPs with the consultant, we will have a conversation with him that will size it accordingly and hopefully have something for the next meeting to present.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: You mentioned early on in combination with the prior owner and swill taken away. That has all been cleared. DEEP gave the green light, you can close the book on that.

Mr. Parsons: The majority I believe has all been addressed. Mark Temple from our office I think can better answer that question.

Mark Temple: Mark Temple on behalf of the applicant. DEEP never clears these kinds of things, so unless you go into one of their voluntary programs, you never get clearance. All you get is a mark in their database that says remediation started, investigated, investigation started, remediation complete, something like there. There is no, there is no official program from DEEP with regards to underground storage tanks in which DEEP will respond to the applicant saying yes you are down. They just don't write those letters.

Chairman Zelek: A question regarding the leaks and the alarms that are in place to detect leaks and you say there are also some counter measures to make sure that the cash register balances with the amount of gas that has been used. If an alarm does go off, where does it go? Does it go to a centralized agency or does it go to a cashier on site?

Mr. Temple: It goes to the cashier on site. There is, in this instance, I am not sure what they have for a system, I think it is a ___ system so that there are sensors in each of those sumps. For instance, an underground storage with a turban sump, so there is a round 36" man hole that is maybe three feet deep that sits over the top of the tank. Inside that is the electric top of the turban pump. The pump is actually down in the tank. In there will be a sensor that is about 1/2" off the bottom of the sump, out of that sump will come in electrical lines, the product lines, the product lines go to the dispensaries. Those product lines are double walled and beneath the dispensers there is what we call a dispenser pan, which is a double wall, single wall system rather, that will also have sensors in it. So, any leak in the systems will be sensed and an alarm goes off at this central control system that is inside the command center.

Chairman Zelek: And the cashiers are trained to respond to these. Are they able to silence them and ignore them?

Mr. Temple: No there is a part of the USD regulations that every operator, every owner operator has to have a Class A, Class B and Class C trained for these facilities. The Class C people are those that generally operate the stations on a daily basis. The Class B operator are those that are trained to monitor for spills, train the Class C operators and Class A operators are, and typically one person for every company that is a Class A operator that does all the training, does monthly inspections of the systems, they are operational people.

Chairman Zelek: Is there automation in place that will turn off the pumps if an alarm goes off?

Mr. Temple: That is typically done manually, I expect that this station will probably be open 24 hours per day, I may be speaking out of turn, I don't know, but I would guess, probably.

Chairman Zelek: From what I hear there are standards in place of training that is required for operations.

Mr. Temple: Under DEEPs supervision.

Chairman Zelek: Commissioners? Commissioner Arburr.

Commissioner Arburr: Is the site going to be repaved?

Mr. Parsons: The parts that we will disturb will be repaved which includes anywhere where we do mill work and the areas that have been disturbed already. Because, when they removed the tanks a lot of the piping tore a lot.

Commissioner Arburr: So, the rest of the site will be left in its existing condition.

Mr. Parsons: That is the plan, yes.

Commissioner Arburr: I went out there today during the rain, and on your drain there, your trench drain there on the easterly driveway was clogged and the water was bypassing it. At the southwest corner of the property, no water was going into the drain, it was bypassing it at the corner, running off site. So, I would think, first of all, I would request that you check your system and verify for the commission that it has adequate capacity to carry the site flows. And the next question I have is your winter maintenance for after snow storms, how will you, are you just going to plow the site, are you going to put down, what is the maintenance activities during the winter season as far as the pavement, is sand going to be used on the site?

Mr. Parsons: I will have to check with our client on that, I don't know what his protocols are for his other stations, he does own several. Typically, they would plow the areas under the canopies are concrete so they won't use a straight salt because that will degrade the concrete, so they may use an alternate deicer.

Mr. Arburr: I would be interested in how they want to treat the pavement areas during the winter.

Chairman Zelek: Question for you Commissioner Arburr. I heard you say the southwest corner, I think we have identified that on the map. Are you saying there is another drain?

Commissioner Arburr: The drain runs from the easterly driveway the ends at the westerly driveway. The drain, if you look on the plan, stops and the water was not going in the drain, there was like a hump down adjacent to the drain and the water was not getting in the drain, it was just running down the pavement, up the corner and down to the brook.

Chairman Zelek: So, your concern is the grading of the current pavement is not correct to allow proper drainage.

Commissioner Arburr: Right. I would like to have them look at it and do whatever is needed. Because the design should contain the water on site in the drain and then carry it off site.

Chairman Zelek: And how about the capacity of those drains.

Commissioner Arburr: I asked them to verify.

Chairman Zelek: I know, I am looking at Chris as I am asking that question. Make sure we capture that as a concern.

Mr. Greenlaw: Mr. Chair, I think I know exactly to what you are eluding to. Under the previous permit, I know that when they took the tanks out, they put in certain short term BMPs, short term BMPs which is roughly a year ago, I know that it is a valid point. Please inspect the drainage that is there to see if it clogged, but I would suspect that probably the silt sacks and the fabric that they wrapped the trench drain with is probably impregnated with fines and sands and could be observed as being plugged. But either way, the short term BMPs in the interim probably need to be replaced, since it's been a long term of time. Additionally, while you are there it would be beneficial for us, it is still prudent comment by the commissioner, if there is anything to be done to direct that water to those drains accordingly that would be part of your long-term plan.

Commissioner Arburr: Did you indicate during your presentation that there is some type of structure at the end of that drain? You know how it outlets? Does the pipe go directly to that concrete head wall or so? Do you know how that works?

Mr. Parsons: There is a, in this corner over here, there is a big double catch basin.

Commissioner Arburr: Where, I can't see.

Mr. Parsons: It is down in this corner, over here.

Commissioner Arburr: Oh this, I missed that.

Commissioner Bachand: See the 12-inch line going to the...

Commissioner Arburr: Oh, ok, I will have to recheck that, I missed that.

Chairman Zelek: And that outlets into the stream that is here? So, the rain comes down and goes into the drain.

Mr. Parsons: There is structure there, hopefully it discharges.

Chairman Zelek: Is this a named stream?

Mr. Greenlaw: Mr. Chair, to the best of my recollection, that is the upper reach and eventually that goes down to Stamm Road and then out to I believe Rockwell eventually. So, this is where we first see the water coming down off of all points east from underneath, there is a culvert that comes underneath the Berlin Turnpike.

Chairman Zelek; The questions is, is it a named waterway?

Mr. Greenlaw: Not at this location.

Commissioner Arburr: One thing I would like you to do, is can you add to the plan just where does the end of the drain go and outlet.

Mr. Parsons: Ok.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: Does the applicant have for the presentation copies of pages 1 and 2 that were submitted as part of the application for use of reference, because I have a couple of questions on those pages.

Mr. Parsons: The actual application form, I can get them. Ok.

Commissioner Igielski: On page that is titled page 1. Page numbers are at the bottom of the sheet.

Mr. Parsons: Are you referring to my written description or...

Commissioner Igielski: Yes.

Mr. Parsons: Ok, all right, yes, go ahead.

Commissioner Igielski: There is a paragraph titled Concrete Tank Pad at the bottom. In part it reads the pad dimensions are 43 feet by 44 feet, now additional excavation is required. Can you explain?

Mr. Parsons: That should say no additional excavation is required. So, basically it is going. We are not excavating any more to put that in.

Commissioner Igielski: If I added or changed the word that you had to no, I could understand, but I just wasn't sure what it might have been trying to convey and that was different than just using the word no. And on page 2, two-thirds of the way down, the

paragraph titled Short Term Uses and Long Term Productivity, the second sentence, the long term use of the property does not change.

Mr. Parsons: Use. Use of the property.

Commissioner Igielski: Ok. I thought use might have been the word. It made sense to use that word but I just wanted to clarify I wasn't thinking you were wrong.

Chairman Zelek: Commissioner Bachand?'

Commissioner Bachand: A few questions. One, probably for the engineer, I don't know if you can hear through here, but the 36" line there that shows along the east southern edge. Does the storm water drain from the Berlin Turnpike, do we know is that discharging into this brook that is on the west side of the property or is that carrying water away from this area.

Chairman Zelek: Is that a feature that is on this property or a feature that is not germane to this conversation.

Commissioner Bachand: It shows it on the plan here, I am asking the engineer. Are we looking at the same plans, this 36" RCP.

Mr. Parsons: That just crosses our property from the corner of the Berlin Turnpike and Richard Street and then goes into the brook. It is not picking up any of our site.

Commissioner Bachand: Ok, so that is discharging into that same brook.

Mr. Parsons: Yes.

Commissioner Bachand: Ok.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: Based on what you just said, that what appears to be a double catch basin seems to have piping that goes from the south side of it into that 36" RCP.

Mr. Parsons: Yes, I stand corrected, but the drainage that is the most part received is all from the Berlin Turnpike.

Commissioner Igielski: It looks like this double catch basin perhaps discharges both into that 36" RCP as well as having a separate 12" PBC going westerly towards the brook.

Mr. Parsons: Yes.

Commissioner Igielski: And you show is just ending roughly halfway between the double catch basin and the property line. Do you have any information that states that it ends there or does it continue all the way to the property line?

Mr. Parsons: Well, I believe it goes to the brook.

Commissioner Igielski: Ok, because your print, the way it shows, it suggests that it doesn't, it just kind of ends into a dirt trench.

Chairman Zelek: So, John, are you saying you are observing two outlets from this property?

Commissioner Igielski: Two outlets from the double catch basin, one in the westerly direction which is labeled 12" PBC which only goes halfway through the property line and one that goes in the southerly direction into the 36" RCP.

Chairman Zelek: So, this drain would be a concern and we definitely would like to make sure that it has the best management practices that are current applied to it. There seem to be quite a bit of runoff of water from impervious surface here. A lot of traffic is going to pass over this.

Commissioner Igielski: Also, the print indicates there is combination concrete curb northerly on the double catch basin and a bituminous curb westerly and southwesterly which would direct any flow on the properties down towards the double catch basin. Along the double catch basin to then treated appropriately with some kind of separator.

Chairman Zelek: So, Chris, you will work with the consultant on this plan.

Mr. Greenlaw: Correct, I have made some notes of the commissioners to verify the drainage at the various outlets and the system itself.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: Question for the applicant. I think I know the answer to this, but the tanks themselves, I realize they are so much redundancy built into these things. They are the primary source of containment, there is not secondary containment in the trench, there is no lining in the trench or anything like that.

Mr. Parsons: Not in the trench.

Commissioner Bachand: There are no sumps or pumps or anything like that. Just the alarm indicators if there is a...

Mr. Parsons: Well, the tanks are double walled.

Commissioner Bachand: Yes, that is what I am saying. There is the redundancies built into the tank.

Mr. Parsons: Yes.

Commissioner Sadil: Mr. Chairman.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: You mentioned about the size of the property the applicant has. If I understand the map, some of that green portion on the left is on the applicant's property.

Mr. Parsons: The property line is right here.

Commissioner Sadil: Ok.

Mr. Parsons: So we own on this side and we don't own on this.

Commissioner Sadil: Now, on the part that your applicant owns is there anything, any activity that is going to go on in the wetlands. Any activity? The property has been neglected for a little bit, with the change of ownership, do you see some room for improvement in that area?

Mr. Parsons: Well, there is not a lot of property between the tar edge of pavement and the property line and that is currently vegetated. I mean, I would say I don't foresee any activity in the wetlands unless there is some change that comes out of our discussions with your town engineer about how we treat and how we reconstruct whatever we do down in this area here which potentially would result in something, but that would mean actually going over the property line, so I would say it is unlikely that we will be actually in the wetlands.

Chairman Zelek: I think we just want to point out a vegetative area is actually very important to the protection of the wetland.

Mr. Parsons: Correct.

Chairman Zelek: And you are so close to the wetlands, there is kind of a steep slope down to that water course.

Commissioner Sadil: Yes, and the property has been neglected for a period of time. I realize you that won't be doing any drainage per say. There is not much of a boundary on that right-hand side between the concrete impervious and the and where the wooded area begins and the wetland. It is a bit of an eyesore is what I am getting at, ok. I think there is some work that may need to be there.

Chairman Zelek; Commissioner Clark.

Mr. Parsons: I'm just, if I could just follow up with that. I'm not sure what you mean by work, you mean just like cleaning up brush?

Commissioner Sadil: And then some.

Mr. Parsons: Is there?

Commissioner Sadil: There are various appliances.

Mr. Parsons: Dense vegetation one of the best protections we could have, so I don't want to take out vegetation.

Chairman Zelek: I don't think he is alluding you to do anything with the vegetation, but there might be some trash.

Mr. Parsons: If there is debris in there or something like that, that's

Chairman Zelek: Maybe give it a good look and report back to us at the next meeting.
Commissioner Clark.

Commissioner Clark: I would address the same concern, that whole slope, not just that property but the adjacent property, has been attractive nuisance for people dumping stuff over the side.

Chairman Zelek: We can't speak to the adjacent property, just the current applicant. Any other commissioners? So, we can wrap this up here this evening. We can't take any action on this, our regulations prohibit us from acting on the applications. We want to give the public the opportunity to comment on the application, so we can possibly approve this at the next meeting with delineation improvements, some actions with respect to drainage, the engineer took copious notes. Any comments before we table this. Chris?

Mr. Greenlaw: I am good at this time Mr. Chair.

Chairman Zelek: Very good, thank you gentlemen.

Mr. Parsons: Thank you.

VII. OLD BUSINESS

A. New Initiative – Vernal Pools

Commissioner Paskewich: I have been doing some new research towards networking with people doing current research and I have had the opportunity to be in contact with someone from a university who has knowledge of someone at UConn that is working in information and research, so I am waiting for them to get back to me on that and when they do then I will reflect on it.

B. Invasive Plants

Commissioner Clark: Nothing new. There was a presentation on invasive plants that the mayor attended.

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

None

IX. COMMUNICATIONS AND REPORTS

Chairman Zelek: Our agenda says none, but several members did attend the recent CACIWC meeting this past weekend. Commissioner Arburr, Commissioner Bachand, Commissioner Clark and Commissioner Casasanta attended, as well as our Mayor, Roy

Zartarian. Would any of the commissioners care to comment on the CACIWC conference?
Commissioner Bachand.

Commissioner Bachand: Yeah, I found it be very informative my first time. I was going to address when you mentioned vernal pools, that was why I was raising my hand at that time, I sat in one of the seminars on the vernal pools. They were very interested in finding inventory of vernal pools that they could study that are in a construction site. I told them luckily, we don't have any recent ones, but they really want to study that impact post, pre and post construction. I also attended one on urban trees and then the legal issues. One of the issues that came up in the legal discussion was, and even their own speakers and even the four of us that were there, the three of us that were there, kind of couldn't really come to an agreement on how to conduct the site walks. How you have to notify the public, what is a quorum, what can actually be done, so there is a lot of grey areas there. I kind of pressed them on it and what I gathered from it is there if you are going to have a site walk you have to, the only notification you have to make, it's not a public, as long as it's not a public meeting, a public hearing, if it is a regular hearing, then it has to be noticed in the town clerk's office. In other words, it doesn't have to go out in the newspaper or anything like that, it has to be noticed in...this is what I got out of it, so other's might have heard it differently. Others might have heard it differently, and even like I said the speakers there were even a little bit at odds. One felt strongly one way and one felt somewhat, had a different opinion on things, but that is what I got out of it.

Chairman Zelek: And that's if you are a quorum of commissioners.

Commissioner Bachand: There is a grey area about that too, but just let me finish with what I saw there. So, I got this book here, if any one would like a copy of it, it is a cross reference for all kinds of vascular plants and I thought it was an identification guide with pictures and things, but it really isn't, it is just basically just a very comprehensive cross reference of the names of the plants. You know the common name and the official name, so if anyone, Kathleen did you get a copy?

Commissioner Clark: I did get one.

Commissioner Bachand: If anyone else would like it, because it's really is nothing that I can use, I would be glad to share it with somebody.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: I sat in the two legal sessions and then the third one was on vernal pools. The first legal session was basically about exemptions, farming exemptions which really didn't apply to us here in Newington but was informative. The warning they gave about carving out exemptions was a cautionary one about you don't want to be carving out exemptions to the statutes on your own or delegating authority; it is common sense stuff. On the site walks, what they said was, a site walk of more than one constitutes a public hearing, it must be posted in the newspaper to allow the public... that's what they said. Now Commissioner Bachand spoke to them afterwards and got more in depth comments from the different people presenting during that portion and from what he said there was some disagreement whether one or more or how many constitutes a quorum.

Chairman Zelek: Do you know who the speaker was?

Commissioner Bachand: No, I didn't get his name.

Chairman Zelek: Were there any handouts?

Commissioner Casasanta: No.

Commissioner Bachand: No, I wish there were. In all the seminars, I wish they gave a summary of what they all spoke about because there was a lot of good information. They had their own notes written, they could have handed them out to everyone. We can try to find out who that was.

Chairman Zelek: Yeah, a lot of times when you walk into the each of the sessions, there will be a table with their handouts.

Commissioner Casasanta: Let me see if I have it here. Ok, keynote speakers, workshops. Here we go. The first speaker was Janet Brooks, Attorney at Law, LLC, then there was three on the second one and it was David Wren from the Attorney General's office, Janet Brooks again and Mark Brands of Brands and Willis LLC, they were the ones who conducted the second legal portion. The second legal one they just looked at basically two cases, one in Greenwich, Indian Spring, another one up in Enfield involving a Home Depot. The issue in that case was knowingly false statement that were made by, not the applicant, but partly to the public about the development, in this specific case, a big box development was going to go in, a Lowes, and it was near a wetland and somebody in an affidavit said that that was a water source, water supply source for the town, which was inaccurate. The person who wanted that affidavit submitted contacted her attorney and said no, change that, that is incorrect. It didn't get changed, it went in and it affected the outcome of the decision of the commission where they denied. It was very convoluted the way they were describing it, but the courts at one point said no, the town bore no responsibility for making the decision they did based on erroneous, even if it is intentionally erroneous data, but they did rule that the person who is responsible for submitting that could be sued by the applicant. So, it was very convoluted, even the attorneys were having trouble trying to explain it all.

Chairman Zelek: Did the affidavit contain expert testimony or was it just a member of the public.

Commissioner Casasanta: I think it was just a member of the public.

Chairman Zelek: This is where expert witnesses are desired. Commissioner Bachand.

Commissioner Casasanta: And then just finally, I attended the final one was on invasive plants. Mr. Powell, very knowledgeable, outstanding, great presentation, at least for me it was good to have a follow up, a primer, but it was the same information we got when you had the expert come down here. But it was very good, it was very informative and he gave some updates and working on basically public versus private land.

Chairman Zelek: Commissioner Bachand you wanted to say something.

Commissioner Bachand: I was going to say with anything legal there is always grey areas and even their own speakers couldn't come to an agreement. But regarding the site walk thing, I didn't want to say, go on record that I absolutely know because I am not certain myself and I would like to find out because recently completing that DEEP course they strongly encourage site walks, so you know it shouldn't be made more difficult. The way I understood it is if it, obviously if it is a public hearing then the public has to be notified, if it is a regular application, it just has to be put in the town clerk's office, a regular notification in that regard and if anyone is interested they can look for it themselves. But again, I don't want to say that I know that for sure, because there was two different ways of looking at it. You don't necessarily need a quorum, although this was again, weren't they both, one was said one way and one said the other, that you should always have a quorum and then the other said you don't need a quorum.

Commissioner Casasanta: Yeah, like I said, what I took out of that, and I was shocked was that if more than one commissioner goes on that site walk and there is two or more together, it constitutes a quorum and it has to be published and the public must be invited to come along. Again, I was shocked to hear that.

Chairman Zelek: Buy I think it depends on how your internal rules define a quorum and Commissioner Arburr wants to comment.

Commissioner Arburr: Yeah, just one comment. One thing that was stated and emphasized was that when two commissioners get together and go out and walk a site, then two more commissioners go out on their own later on, that constitutes a meeting and you are in violation.

Chairman Zelek: Interesting. Commissioner Bachand.

Commissioner Bachand: Well, what it was, was that if only two are there and it is not a quorum, you should not be discussing, you should not be asking questions. You can ask questions as to what is at the boundary line, but you shouldn't be steering the, again, this is what I got out of it, but you shouldn't be steering the applicant, can you do this or can you do that, you can say what is this or what is that, but I wish we could get a little bit better understanding on what the actual requirements or rules are with the site walks. I would personally like to see more of them.

Commissioner Arburr: From what I understood the conflict that Commissioner Bachand just said was you shouldn't be holding a meeting with two with the public, it should be a quorum with the commission there in order to conduct a meeting on the site.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: What I would like to find out is to qualify these two gentlemen's looking at interpretations is what is the authority of jurisdiction on this? State, local, federal? That is where we need to start, the origin of jurisdiction, that has the authority to make those decisions.

Commissioner Arbur: I think you would have to look at in this case, you assume that these were knowledgeable people and experts in the subject at hand.

Commissioner Paskewich: Except, they have to have an origin for their authority jurisdiction to make that interpretation.

Chairman Zelek: So, several members in attendance each heard it a little differently. It would be nice if we had summary notes provided by the speakers.

Commissioner Bachand: Even if you had the summary, you would see that they went in two different directions themselves. I would just add that I don't think there is any particular laws, I what it is its to defend to the town in a court case or something, you want to have a standard, there has to be a standard, I don't think, I don't know if it is so much a law and you should follow this standard and some accepted standard in case the town is ever brought into court in a case that you could defend yourself in your absence with what you did.

Commissioner Paskewich: Going back to my original discussion dialogue is, then who has that written in town policy.

Chairman Zelek: No, as part of our application it made clear that the commission has a right for site walk. Commissioner Clark.

Commissioner Clark: I think the point of a lot of this is its good for everything and their ability of any information any discussion that takes place, and it think public meeting would be more appropriate than, Mr. Bachand was calling it a public hearing, I think in these cases we would call it a meeting, not a hearing, I believe. It must be local, because I don't think any jurisdiction of the state has to with it, but I think it is as much for record keeping and the public being able to avail themselves of going if something is happening. So, the numbers, I think that is the interesting take away there, because we were told about, implied that a quorum has to take a place and it sounds like that doesn't, but it's the recordkeeping, the FOI access that would be important.

Chairman Zelek: So, under communications and reports I have one other item here, it is a letter from the Town Manager, this is dated November 8 and it is addressed to all boards and commissions from Tanya B. Lane, the Town Manager. This is titled The Town of Newington Volunteer of the Year Award. The Newington Town Council is seeking candidates for its annual volunteer of the year award. Volunteers are being sought from all boards and commissions, along with the general public to identify and recognize the volunteer or volunteers who have gone beyond what is reasonably expected and who have been an influence on others in a positive and lasting way. Any member of a board, commission, or citizen in general is deserving of such a nomination, please forward the name utilizing the attached form to the office of the town manager, please provide your submissions on or before December 31, 2016. So, we have the letter, and we have the form if there are any nominations for that. Chris this will be available in your office, is that alright?

Mr. Greenlaw: Sure.

Chairman Zelek; I also have copies of Habitat for each of the commissioners to pass out and I something from the Society of Soil Scientists of Southern New England, it is a registry of soil scientists, so if we have a list of soil scientists throughout New England available and we have correspondence from the CT River Lobbying interest, it is their annual report for 2016, if anybody is interested in seeing the annual report I will be happy to copy it. Commissioner Bachand.

Commissioner Bachand: I was just going to say, on this commission for volunteer of the year I would nominate our own Commissioner Igielski for his many years of service. I think we should be united in that.

Chairman Zelek: Commissioner Arburr.

Commissioner Arburr: I have a separate matter. This matter is closed.

Chairman Zelek: Is it anything that is on the agenda?

Commissioner Arburr: No, it is something that is closed.

Chairman Zelek: What item on the agenda?

Commissioner Arburr: Under the minutes.

Chairman Zelek: The minutes?

Commissioner Arburr: On page 7 last month, I made a request on the Newington Reserve, I believe the applicant has completed the subsequent work, subsequent to last month's meeting and I would like to have the applicant come in and give us a presentation on his end product; and further in the minutes it states that Commissioner Zelek stated, Chairman Zelek, excuse me, I will take up the matter with the engineer for the next meeting.

Chairman Zelek: I have and I have asked where we are and I believe the report to be submitted. Chris, any comments besides that, since we are waiting the product.

Mr. Greenlaw: Correct, the Chairman and I have spoken about this, the staff has been in the field, I have been in the field myself, I have seen extensive work go on, there has been correspondence in writing as of last week, the last thing I am waiting on from them, in the email chain last week, that a report will be done early next week, which we are still in early next week, which is now, but I do not have that report and I am waiting for that report. I have not visually seen anything as far as a default by them, I have seen plants go in, but in terms of certification as per our conditions and plans, it certainly that's what we are waiting for is the expert to furnish this report.

Chairman Zelek: Thank you. Commissioner Arburr.

Commissioner Arburr: Is there any plan, because I don't want to ask you every month, but I seriously believe, because of the type of project that is was, it was in my opinion the first of its kind that has been done by a conservation commission since the Inland Wetlands and Watercourse was formulated. A lot of time and effort was put into it and I feel that the

applicant should come in and make a presentation to give us the picture of what was done and the end product itself. There are questions, I asked several questions, you know, I thought we could bring it to a close.

Chairman Zelek: I heard you and at this point I don't see any reason to compel the applicant to come before the commission. The applicant is cooperating with the town engineer. In the end we have been provided status, we are going to have REMA report, Chris just spoke to it and things are moving along. I also offer to Chris that if there are any delays to the project he has the support of the commission and if we have to bring the applicant in, we will, if we need to us a special meeting to do it. So we have all those tools at our disposal if there is any issue, but at this time we don't see any issue with the project. Commissioner Casasanta.

Commissioner Casasanta: Unless there is other commissioners that would like to speak...

Commissioner Bachand: I just have one question for the engineer. Regarding these plans that we have tonight. These are all still open, will we get all new blueprints or do we have to save these and bring these back?

Chairman Zelek: No, we should be getting an updated set.

Commissioner Bachand: So, this can all go into the recycle bin basically.

Chairman Zelek: I would hold on to it until the next meeting when you get your packet where you see there is a document that replaces a current document, then feel free to recycle.

Commissioner Bachand: Ok, I was just curious. Commissioner Casasanta.

Commissioner Casasanta: I make the motion we adjourn.

Chairman Zelek: Can I get a second please.

Commissioner Sadil: I second.

Chairman Zelek: Second from Commissioner Sadil. All in favor?

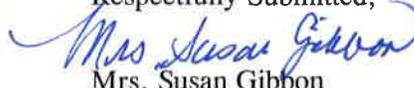
Commissioners: Aye.

Chairman Zelek: Any opposed, abstentions? Have a good evening.

X. ADJOURNMENT

Motion by Commissioner Casasanta, seconded by Commissioner Sadil; it was unanimously voted to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary – Conservation Commission