

TOWN OF NEWINGTON
CONSERVATION COMMISSION
NEWINGTON TOWN HALL
131 EAST CEDAR STREET
NEWINGTON, CONNECTICUT
CONFERENCE ROOM L-101
LOWER LEVEL, TOWN HALL
6:00 P.M. DECEMBER 16, 2014

II. MEMBERS PRESENT

Chairman Philip Block
Commissioner John Igielski
Commissioner Kathleen-Marie Clark
Commissioner John Cassasanta
Commissioner Andreas Sadil
Commissioner Benjamin Ancona (absent)
Commissioner Alan Paskewich
Commissioner Deborah Anne Krawiec
Commissioner Timothy Manke
Commissioner Jeffrey Zelek

PRESENT: Christopher Greenlaw, Town Engineer

III. PUBLIC PARTICIPATION

Chris Greenlaw: Mr. Chairman, if I may, for the benefit of the recording secretary, we have spent an extensive amount of time for better configuration, I hope, with the recording of the audio - so - the bottom line is please use the mikes,; presenters, audience, commissioners, it will be greatly appreciated and the recorder is blinking green so I know that it is being recorded at this time and hopefully, this is a system that will not fail as it has in the past, thank you.

Mr. John Bachand: John Bachand, 56 Maple Hill Avenue, I just wanted to thank the commission for standing your ground for the Toll appeal case. It wasn't easy and I commend everyone on the commission for the long, hard battle. I truly believe it was the right decision to put up a fight and the mountain is the most valuable piece of real estate in the town and I am not saying this because I am a tree loving, mountain hiker; it really does come down to the resources and even comes down to the actual threshold which you had to meet which was the threat of physical damage to the actual wetlands, so again, I just wanted to thank you very much for that and the resources there, there is nothing that compares in town from endangered trees to pristine vernal pool to an aquifer that sustained our forefathers in this town with drinkable water. It is still there and you might want it again in the future, so again, I can't emphasize enough how important it is to put every effort possible - again, it is not being prejudice, I am not against development, I am a contractor myself so that should tell you something, I am not against it at all per say, but in this case it was such a valuable asset and important part of our town, thank you.

Roy Zartarian - I would like to second what Mr. Bachand said and I would like to read a letter that I sent to the Newington Town Council that was presented at its meeting last Tuesday. I am reading it because it also applies to this commission as well to the Newington Town Council and people attending tonight's meeting. None the less I do want to express my appreciation to all those who either publicly or behind the scenes stood up for Cedar Mountain to avert a compromise that would allow Toll Brothers to begin to destroy the mountain. It's principal natural resources are too valuable to be bargained away and satisfy corporate greed. Thank you. I was up on Cedar Mountain Sunday for the annual Audobon Society Christmas bird count and typically this time of year, the count is low. There was one bit of excitement because if you had been with me you would have seen me doing the good bird dance when I spotted a Brown Creeper right along side Ancient Highway. That was the high point. But when I was walking along the vernal pool that is owned by the Humane Society I saw something that I could not see clearly because of the brush but, as you are aware, there are piles of 'stuff' on that lot, the corner of Cedar Street and Russell Road and from my vantage point, one of those huge piles could be awfully close to the Humane Society's vernal pool and I could not again, looking through brush with binoculars, whether what I was seeing was accurate enough, I could not make out any fencing or other protective measures - perhaps that is something you might want to have checked out and that is Happy Holidays everyone!

Commissioner Paskewich: Can I just ask him a question . In your exploration of birds and their migratory status, if you know, are there any migratory birds specifically endangered, or rare and they might even run along vernal pool areas and canopies and vegetation.

Roy Zartarian: I would have to go into the paper work I prepared at the time of the public hearings to get the answer on that, but I will say that we do get the uncommon migrants up there during the Spring in particular because those trees are loaded with leaves and bugs that are major food sources for them - to my knowledge, we do have I would say about 59 species that nest up there but I don't think there is anything on the rare or dangerous other than the peragrines that are nesting somewhere on the Balf quarry cliff base and I say somewhere because I have seen the peragrines I haven't seen their nests; I have seen it in the past, but they are out there somewhere.

Commissioner Paskewich: What do they feed on?

Roy Zartarian: Peragrines? Birds in flight. They are the ones that became famous for nesting Emelia on the Traveler's Tower building where Travelers put up all those window replacements and could be counted on for putting on a show knocking the pigeons out of the air over Bushnell Park.

Commissioner Paskewich: Thank you.

Roy Zartarian: Thank you.

IV. ACCEPTANCE OF MINUTES November 18, 2014

Commissioner Clark: I feel in commenting on the fact that the recording equipment malfunctioned should be mentioned and whether we are getting an upgrade in equipment, so we can talk about that another time, but in Section 19 - there was the comment that Commissioner Zelek attended a meeting with Commissioner Clark and the Town Planner. I do not think such a meeting took place.

Commissioner Zelek: It was probably the TPZ meeting.

Commissioner Clark: That is true, but not as stated.

Commissioner Zelek: It was with the entire planning commission.

Commissioner Clark: So it should state that Commissioners Clark and Zelek attending the TPZ meeting of - we could provide the date. As stated it is incorrect but I do not remember the TPZ meeting date, I could look it up.

Commissioner Krawiec: I did not receive any minutes in my packet of information so I cannot comment but I would like to have a moment, so I imagine, if I didn't and other commissioners did, it would be hard to give comment to the minutes unless you went on line, so do we have copies; did the other commissioners have a chance to ...

Chris Greenlaw: ...Mr. Chairman, the minutes were sent out electronically.

Comm. Krawiec: I was not aware of the change for this month and if any of the commissioners have not read the minutes is there concern for us not to be able to comment.

Chairman Block: I was not present so I was not prepared to review them, obviously and so are you prepared to rule on the minutes or not.

Comm. Zelek: I would be more comfortable postponing the minutes until we have all had a chance to review them.

Comm. Krawiec: In moving forward to conserve paper which I think is a good idea, we will all do better, thank you.

Comm. Zelek: I make a motion to table the minutes and Commissioner Clark seconded the motion and they passed unanimously.

V. PUBLIC HEARING

A. Inland Wetlands Regulation Changes - L.I.D.

Chris Greenlaw: At the last meeting of the commission, it was the consensus of the commission that they wanted me to pursue with DEEP and counsel where we were as far as the status. DEEP is now offering a formal remark with an e-mail indicating that they are not going to give us any formal comments - any substantive comments. We have had conversation and the DEEP understands that we anticipate looking at these regs. once or twice, as you remember, on the agenda, we anticipate going to our regulations for the legislative update and we will be going through them again just as the general terminally that we have; they know that and at this time they had a couple of verbal recommendations as far as the regulation with L.I.D. that is specifically what we are asking them for - and this regulation being so new there was kind of a verbal clash in that they mentioned the educational component - they wanted to know where we were as far as putting together informational details and backup information. But at this time no formal letterhead comment from the DEEP and additionally from the Manager's office at this time, counsel is not going to look at the L.I.D. regulations for wetlands until some of you may, or may not know that TPZ is looking at a moratorium on the regulation of L.I.D. and the application with regard to residential application. What that means is that when you look at the L.I.D. regulation it is for any application that comes in - whether it is - the different zones that we have are industrial, commercial and residential - and what they are looking at is a moratorium at this time on the residential end and I believe the public hearing - but don't quote me on this - for TPZ is in January and I can give you more data on that. And the idea is that they want to see how this plays out with TPZ and then again, chances are - I don't want to speak for anyone - is that you want to assimilate your regs. for wetlands with TPZ and that is where we are. So the answer at the end of the day is - keep this public hearing open until TPZ - there is a determination by them - and then we go to council without regs, reduce confusion/conflict.

Comm. Zelek: So TPZ already accepted the L.I.D. and is now going to consider a moratorium; what is the reason for the moratorium?

Chris Greenlaw: The moratorium - speaking for the Town Planner - the moratorium is - this is a very new regulation and quite honestly, even though it is a TPZ regulation the Engineering Department is really the laboring arm and I will admit, I will testify to the fact that the thresholds that are set for the residential person application and I will give you an example - They are very tough for many reasons, they are tough to understand - they are tough because it is a new regulation with a certain understanding - there is an educational component. Economically, the hardship is very difficult for the resident given the thresholds that it is set at - I think I have said before - we come in with a big box store, come in with a large subdivision - it's inherent that they have a design team and chances are that someone on that design team is fluent in L.I.D. aspects or they have the resources to provide a plan to develop L.I.D. or implement L.I.D. The resident who comes in - you have to remember we are only - I am going to throw out a number, maybe twelve out of a hundred and sixty-nine communities has L.I.D. and when this gets rolled out I, myself, am being educated with all of the seminars on building details as an engineer so when people come in I can catalogue, I can show them examples - we need more time - it is not to say that with a moratorium this goes away forever, I would say in my words, it is an evaluation period. We rolled it out, build the resources, build an education, so if a resident comes in with a contract and they are just going to build a patio, a sand free patio, 650SF, boom - full stop - you need L.I.D. implementation, their head spins, 'what is L.I.D. my contractor doesn't want to have anything to do with this - I have to get a plot plan and engineer' - That price right there is one thousand to twenty

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five hundred dollars - so there is education of L.I.D. where did this come from and number two - economics. I think the word I like to use is 'evaluate' - maybe we evaluate those thresholds if there is a moratorium - a lot of information there, but, it is being looked at on the residential application.

Commissioner Zelek: So the moratorium is for residential - but the larger applications behind them is that those are going to continue to use L.I.D.

Chris Greenlaw: That is my understanding.

Commissioner Zelek: For commercial...

Chris Greenlaw: ...industrial applications unless it changes during the public hearing, but that is my understanding

Comm. Krawiec: What is the percentage of business being conducted on behalf of the wetlands, is it residential applications or is it the large retail business that comes closer to the modification, just curious.

Chris Greenlaw: I don't have that number and I would have to look back at the applications.

Comm. Krawiec: So we fill out a status and trend report, I assume, every year, do you submit that?

Chris Greenlaw: I wish I had stats but I don't have those numbers.

Comm. Krawiec: That would be interesting to see for the sake of how L.I.D. affects..

Chris Greenlaw: ...again, good questions, but again you have to remember I am dealing with L.I.D's from my department, not just wetlands; I have everything that comes through TPZ would be reviewed for L.I.D. within Engineering so all those industrial, commercial and any other applications outside residential lots that have greater than 600SF of impervious surface, net.

Comm. Paskewich: If you know and in consideration of 169 towns - in order of 169 towns numerically, do you know where we were getting approached for L.I.D.?

Chris Greenlaw: By who?

Comm. Paskewich: By the persons who approach the town, who approaches the town?

Chris Greenlaw: My understanding through the Planning Department years ago, funding became available through DEEP and I believe that funding became available through fines or violations and those monies - they wanted to reallocate for good and that money - there was a mechanism to take this money and offer - and I do not know how Newington was selected.

Whether that was through the Planning Department - but in a generalized sense that was offered to the Town and there were two sets of money, as you know, or to reiterate again, \$50,000.00 was awarded to the Town to look at the regulation, assemble a team, and we had to go through the process of hiring a consultant team to come in - a planning team and engineering team and they were selected into a period of nine months or so and they infused the regs. with L.I.D. Another fifty thousand dollars was allocated and there was a committee formed, and the Chairman of TPZ and wetlands and myself and the Town Planner and the design team and we worked on these regs. over months - you know, advisor, without us being the experts and the other was for a demonstration process and that demonstration process was to be in a highly visible place and we selected Clem LaMire Park and we went with an overflow parking that was permeable; we utilized materials consistent with L.I.D. so people that came to the Town, and there was a lot that went into that as far as the location, the materials, but the most important thing on that project was that it would be representative of something that you could utilize in Newington to implement L.I.D. technology and I think that is a pretty good application.

Comm. Paskewich Let me go a little bit further - towns 13.1 square miles, is it of such a complex nature to provide this in need of a moratorium and I mean, I have been in several towns in the past month that are very small in population and mostly residential and very small; short staffed in consideration of the population and they have already adopted L.I.D. months ago without moratorium or residential and their square mileage is like 46-48 so I am just wondering why this has become so complex in Newington.

Chairman Block: If I can offer a suggestion and that is that those towns are underdeveloped at the latitude of control of development without affecting the adjacent properties to some extent in tracts of land. In Newington, we are some 98% developed, small lots, residential and the ability to do something that is more productive than it is expensive seems to be very difficult and complex. As soon as you try and do something to absorb the rain water on these small lots, we are affecting the neighbors, the question is how affective is it, how expensive is it and I really think it would be very nice to be able to do improve something in place, and in my own mind without having presented any offers to the other department heads or anybody, I can't figure out how to do it equitably and effectively.

Commissioner Paskewich: Let me ask you this, is the complexity is that we have more existing residential property than new to look at all of these techniques and practices?

Chairman Block: Yeah, it's all retrofit in this town, everything of substance is going to be a retrofit.

Comm. Paskewich: So the conditions now are the same given each town for residential consideration for lesser impact, is the same, correct?

Chairman Block: No, the goals are the same to absorb the raining water in place but I don't know - Chris can answer as well - I don't know (door slams, someone coughs, banging noise)

Chris Greenlaw: The goals are the same and as long as you speak up and again, this is a good question and you can go to the TPZ and when they have a public heading to bring these things up but directly to your question, the goals are all the same but what happens is there is very few towns that implement it. If you in general conversation ask someone, do you think cleaning up your storm water would be a good thing, - absolutely - and everyone agrees with that because Long

Island Sound eventually captures all the water and we know that lobsters are being depleted and there's problems with oxygen and all sorts of things and we have our phosphorus pumps but implementing it, how do we implement it and I think that is what they are asking for with moratorium and there are many demonstrations of why it is difficult right now in Newington simply because of number one: education right off the bat- I mean when people come in, that's a component that's time - that's people - that's everything else, but specifically why it is difficult in Newington is the population density and the size of the lots, the amount of impervious that you already have, the soil composition is a hardship in this town and the cards are stacked against it. You know I failed to mention that but beginning - once you get into it, you have the education, you hire an engineer and then you look at it, site specific and you start saying this is very difficult so on the implementation end, there is a whole component what can be utilized so incidentally the trend of a new town that is maybe 10% at best or less of the towns have this - and you say what are the resources, what are the options that we have and that hasn't been rolled out, it is not tried, tried and tested. You don't want to roll out a vehicle if you will, knowing it would fail with its technology, you need more things that are tried, true and tested. So the moratorium is the same, we need that time, we have to build our resources, we have to see what is applicable to the Town of Newington. Let me give you an example specifically, when you go to a town like East Lyme, and I went with the Assistant Director which is the Director of Public Works down there and what I was looking to do, at the Hole in the Wall Park, if you can get a chance to go down there, it is a great opportunity and I was trying to educate myself - what they did was, the money they had was they took the whole parking lot and they utilized all different paving materials everything from just grass, gravel to polyethylene materials with gravel, polyethylene with grass, to pavers, to the concrete block that we used and you can walk through this park and you can see how it is holding up and you can see the maintenance that goes along with it, but the most important thing I want to point out is that when you walk through there you have to remember that they have sand, and they have a lot of it and so it is going to work, so that is very important and so I went down and I looked at it as an engineer and you look at it for what is the cost, what is the durability, what is the maintenance, how I can implement this with the soils we have, what is best for that community, so that 's a nice test site, so I took with me, what I thought was best for Newington with that application. That is just an example when you see some of these things you have to remember the soils below it and we learning, we are learning this, we are going to test this, so everyone here, the public, the commissioners, when you go to TPZ and you vocalize your concerns, either recommend moratorium is an evaluation, it's education, it's learning and we would like to revisit at another time as it develops.

Comm. Paskewich: Can I just glean in on the moratorium timeliness, has there been a set time for the moratorium?

Chris Greenlaw: I do not have that answer.

Comm. Zelek: I do not believe that they can act on a moratorium yet.

Chris Greenlaw: Exactly, excellent point from the Commissioner. This public hearing is to hear from the public to give the public the chance to discuss these concerns and raise these questions going forth. Why is it being considered. How long will it be. In that interim, whatever that time is, what is the Town going to seek to do, how can we do this better, how can we implement this better, how can we get better resources, these are all good questions.

Comm. Paskewich: Okay, I do not want to hold up the rest of the agenda and I won't and I look forward to hearing more about these hearings and possibly attending as a subcommittee to pick up on the status and question and comment and come back to the commission.

Chris Greenlaw: Please check with the planner or the Town planner's web site. The last I was told I thought they were aiming for a January meeting for the public meeting, but I am not positive.

Comm. Paskewich: I believe January 14, 2015 was the date that was mentioned, but don't quote me.

Comm. Krawiece: This topic of L.I.D. I recall it being on the agenda now for some time, I think we have been talking about it just about for a year.

Chris Greenlaw: At least 9 months and there is no time line to close that.

Comm. Paskewich: Actually I do have a note here I did attend with Comm. Zelek the last TPZ meeting and on January 14, 2014 is targeted as their next meeting regarding this and other issues.

Chairman Block: We will table this and put it on the next agenda.

Comm. Clark: I don't think we should table it, it is an active situation with the TPZ and I think that we need to follow what is going on there and by keeping it on our agenda it would be easier for you to continue this on our agenda.

Comm. Zelek: I think as the Conservation Commission we could make a recommendation to TPZ regarding L.I.D. as being a huge benefit to this town and perhaps instead of a moratorium they just have a little bit of a leniency towards those residents that don't have the ability to implement L.I.D. or even to be educated or have some system of understanding how an L.I.D. solution to their particular situations applies.

Comm. Paskewich: I agree.

Chairman Block: Well, I certainly have no dispute with ensuring that residential applications be informed and be encouraged and education. I do have a problem with invoking regulations until we are quite sure that they are effective and I have no idea what regulations at this point in time will accomplish those goals, but there is a way to extend a moratorium to have the goals enacted but to leave out every concept of enforcement perhaps that's a recommendation that we would make in Planning and Zoning, because a moratorium as I understand it takes the whole thing and puts it aside without any intervening into that intervention and intentions or requirements so perhaps that's a more stringent position then this commissioner would like the town to take.

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Comm. Zelek: So can the commission make a recommendation to get consensus from the commission to make a recommendation to the TPZ to avoid a moratorium and perhaps go with a more lenient approach until we are prepared to hand over requests from residents.

Chairman Block: What is the commission members desire.

Commissioner Clark I agree with Jeff; I was at the TPZ meeting that talked about moratorium and I was shocked just because we had gone over it and had some education from our staff from Chris and we were excited about it and suddenly the other body that would have some input is going completely in the opposite direction and that made me think why do we do all of this and let Chris do all this work - having a moratorium makes our job moot.

Comm. Zelek: And I think what happened is that it was very well intended regulations that have been active, but I do not think they had anticipated the challenges that they were facing when applications came in to them.

Comm. Paskewich: Can we have a show of hands?

Comm. Zelek: Actually, we are not supposed to use a show of hands.

Comm. Krawiec: And actually if you are going to be showing hands, define leniency, I think it would be important for it to be considered, what does leniency mean, how do you make that fair for all applicants, when you have no L.I.D. regulations and you can abide by it, and although I agree there should be some type of moratorium it's not necessarily what I support because we have had 9 months to give this great consideration and we are in the ninth month requesting a moratorium on it because more information is needed is quite concerning, so I am just concerned about that language,

Comm. Clark: I have a question for Chris. If more information is needed as far as the technical aspect - isn't the science there now for the technical aspect so do we need more information on that part separating that aspect of it out front and how is it implemented in a residential setting, I think those things are like two separate issues.

Chris Greenlaw: Two questions, one is answering is the order I received them, Comm. Krawiec leniency - what I would offer for leniency, again this is with regard to residential - industrial commercial residential - someone comes in and their net gain for proposed development is 600SF so one of the things you do for leniency would be perhaps in lieu of a moratorium you are more lenient as far as the threshold requiring an L.I.D. for residency they have 1200 and while I was on the committee I will be very honest with you, I was a proponent for padding the larger number because I was very concerned with 600SF for a residential application. If you put that into perspective, the reason is 600SF is there because at one time it would be lower and you could completely shoot down the whole driveway excavation program because of those lots and 10'-15' setback for a straight line and you add another 35' for the house, that's 50', standard driveway 12' that's 600SF so it can be under 600SF.

So when you talk about leniency what you can do is you can start looking at different thresholds, to trigger the L.I.D. implementation on a residential application - you can still make it 600SF for commercial and industrial but that would be something that I just thought of that I offer to you and that would be - that's a good question, so raise the threshold on the residential application form. Let me just answer the other question. Science. Science is there. You know we all know about science; we have all taken classes in science and we know about different fertilizers and MPK and the adverse affects of it getting into the water and all science is usually conducted in a laboratory. The part that we are going to have a hard time with is taking the science and implementing into the field, given our soil conditions, given our economic status, given the materials we have to work with, given the fact that we are in the northeast, you know, you have to oil and filter all of these things out, and say, here is the science, what do we have to do to implement it and science is there and I will give you a great application. UConn has had one of their projects fail on campus because of a pervious type of concrete and you know I could probably sit here for a quite a while and talk to you on that but some of these new techniques and methods - there is a certain way at which you hear me talk about sometimes common construction standards so now you start getting new materials that have to be put down, they have to be manufactured in a certain way and there is a new way and technique that they have to be installed, it has to be done at a certain temperature and different parameters so you don't and my point is, there is a lot that goes into it and certainly that can be done but it has to be done over time so that it is done correctly because if it fails it is going to leave a bad taste in everyone's mouth, people will say I tried your science and it did not work and that is a normal pushback to human beings trying something new. The science is there, but the implementation and the new materials have to be tested, has to be catalogued and the engineers have to catch up so that we can write specifications so that there are done right. The last thing we want to do is with an iron fist say that we are going to implement this and then people push back saying the Town you made me do this and it does not work, this has failed, the concrete has failed, the rain guard is a maintenance nightmare, so we want to make sure that when we do implement it - So my answer to you is with leniency, raise the threshold in implementation on the residential level and maybe that is something you can do as a consensus as the Conservation Commission offer.

Comm. Block: One of the concerns that I had in trying to figure out what it is how to rephrase the program in residential is that as Chris was saying if you reduce the square footage to 400 which means that a significant number of driveways would be subject, that of course is the most common form of compliance is to use pavers, so the question then comes down is - is there consideration for the soil type underneath, because if it does not drain then the pavers are wasted and it costs a lot of money for the home owner to no good affect, so I am concerned at this point is that if there is going to be regulations that are going to be applicable to residents the town needs to go much further in making sure that they are cost affective. I don't know at this point what techniques would be, but I do know that if altering the square footage is applicable - it may not work right or to the advantage of the town and I certainly would not want something of this magnitude to be as error proof as we can make it, now the other side of that is if January 14th is the proposed date for TPZ, I have no doubts about this coming up tonight, what I am saying is that I would like something less stringent than a moratorium but as to what and how with something I would like to have the opportunity in a month or so to try and figure out how to make a proposal to them in lieu of a moratorium that would be truly effective and beneficial to the tow, if you have any recommendations on that.

Comm. Paskewich: I have a recommendation to the Engineering Dept. that anyone else that works with you, on staff, regarding L.I.D. that you may already have this information but something that I approached through a web MR. recently to USDA and NRCS - they have a complete site survey coordinated one line for all soils in the nation including Connecticut and its response to architectural use which also includes concrete as you spoke to and materials used to make concrete and the soils that are under and around and I can give you the information later, to download, if you wish.

Chairman Block: Again, does anybody know whether or not the TPZ is going to do something that goes to a vote on anything at the next meeting or are they going to slack considerations or what, does anybody know?

Chris Greenlaw: What they recommend is that when we discussed the activities of the Conservation Commission in a generalized sense we are going to look for a consensus on topics and I believe if there is something that we are going to forge forward we are going to have a subcommittee and that subcommittee would come back and have a generalized report and now the problem we have at the beginning of this is that our next meeting is January 29th and if in fact, January 14th is the public hearing date for the TPZ, maybe what I recommend is this commission take a recess and maybe collectively put some thoughts together and come back after that process and if there was a general consensus based on those thought, you could then formalize that in a certain sense and bring that as a conservation commission to the January 14th meeting.

Comm. Clark: I agree with Chris. I think that we need to act in some way either if it is just asking them to put a moratorium on a moratorium and it is as simple as that.

Comm. Cassasanta: The question I had - I would just say the consensus appears to be with my other fellow commissions that I would not really like to see a moratorium placed on it and I understand the problem with implementing it - the real world problems with it but if we could find an alternative other than moratorium.

Chris Greenlaw: The way I understand it is that a proposed moratorium is for residential application only - that means every other application that comes in albeit wetland through TPZ - any other non-residential application would still have to adhere to the regs as they were developed to the same standards and thresholds.

Comm. Clark: Is our intent to act in an advisory manner to the TPZ - is that unprecedented in this town - is it worth assessing how this is expected to be received and that is really my question.

Comm. Zelek: Well, we will find out,

Chairman Block: I don't think that there have been that many instances in which we communicate as conservation commissioners and certainly I don't think anything in my recollection with at least a hint of this. Again, the question is, do you think that the issue is important enough that you want to make sure that your voice is heard.

Comm. Clark: Yes.

Comm. Sadil: Chairman Block, since I am in the minority this evening, some things that Chris said do concern me relative to technical details. I don't want a situation that we shoot first and ask questions later scenario - yes, it is very important to the Conservation Commission but that concerns me implementing things, rolling things out as repercussions later and backfire on us. I don't fully understand that. That concerns me and that is why I am sort of in favor of a moratorium until some of these things are flushed out and we get ourselves into a corner.

Chairman Block: As I said, my perspective is that the term "moratorium" in my thought is that the whole issue is just put in a drawer. I think what I am hearing and what I would personally would like is not a conventional moratorium but a period in which no demand is made until we have some techniques that are demonstrated as being effective and within the realm of residential help and that we continue to educate the residential section as to what the goals are and what the techniques are available and you gather data as best we can for those things which are prudent and effective on the scale that this town has and so that you are creeping forward, you're not stopped dead and you're not running; you're creeping forward & trying to develop something that is effective and appropriate in our community.

Comm. Zelek: So consultants were hired to come in and help create the determinations and they are the experts. The TPZ doubted the determinations, correct, so they already are inactive and we are talking about a moratorium on the TPZ regulations for residential, now, my understanding is a moratorium needs to be time bound; I believe it is a one year period in which they work to resolve the issues. Again, my opinion is that the difficulty the departments are having explaining this to residents. I hate that this should strive to work through internal issues, other towns are doing this, they have the ability; it obviously has been working well and it is beneficial to the environment, so maybe you don't have to get too technical, maybe it is just a recommendation that we advise TPZ to avoid a moratorium because we feel as though the benefits of this program outweigh the difficulties that the partners may be having working with the residents.

Comm. Paskewich: I agree and I just want to make a comment of what you spoke to which is that Fuss & O'Neil was hired to develop these low impact developments in the storm water manual - we have a manual in place through planometrics and it does refer to L.I.D. residential settings, existing residential areas, 5 steps for citing BMP's on residential lots, so my feeling is if the staff needs to fine tune it of what has already been brought forward and paid for, that could be done with consideration for what we have already done and adopted.

Chairman Block: Unfortunately, Alan, that is not the case. In everyone of the case studies and the examples that were brought forth were greatly underdeveloped communities with larger lots and when I raised the concerns that I raised here, intense developments on smaller lots they have no specific answers. The body of the regulations that were presented to the town while theoretically all for the good, and totally the case is, it just doesn't fit with our development, the types of soils we have, the lot sizes we have - and I tell you privately as an individual having seen it, if they don't fine tune what the regulations come up with, I think that's going to be a disaster.

Comm. Krawiec: Chairman, I was at that meeting, too, and I am trying to recall and I know you could speak at that meeting that was called some time ago and there probably was some reference made to where our community is set up by others however, I have to say that anything we put our minds to can be applied and I know that I bring to my commissioners' attention that according to the Status and Trends report that I have in my hand here, when we think about impact to the wetlands we think about large development and this was a surprise to me when I found that the number one impact to our wetlands was the residential improvement by home owners and this continues to be a chief purpose for wetland alterations and it appears that the latest Status and Trends report from 2010 has been updated since, but it does refer to what we do hear is important and we continue to approve applications and I think the L.I.D. is trying to put something in there to protect.

Chairman Block: I agree with the intent, theory - the only thing I am concerned about is I don't want to see an enforcement component to the program prior to having some very exact data that arguably is going to work and that is is cost effective upon residents and their properties/

Comm. Sadil: Is that the timeline you are talking when I asked my first question, okay, I don't want this put in the drawer moratorium, I agree with that, but what vision and how much time would it take to develop the things you are talking about, what is the vision there.

Chairman Block: I don't have without a doubt that external funding, grant applications and other contributions from other communities - I don't have the faintest idea, no one of us could, but again, it all boils down to look before you leap in this particular case and I am sure that Chris is going to be looking for these things because again, you have to remember the underiding driving force to this is the impact it has upon the storm water system and everything that can be done to prevent the need to expand it, to maintain it, etc., etc., is to the town's benefit and there is a residential benefit to long term, so again, to keep the theory, to keep the goal but just not leap forward on enforcement of their demands.

Comm. Cassasanta: I just have a question along those lines about the soil types and how effective it is; we have an experiment set up in town at Clem Lemire and has there been any way to judge how effective it is in the soils generally speaking that we have in town, how is it working over there.

Chris Greenlaw: I don't want to grade my own work but we designed it, and I disagree with the DEEP and let me give you an example, one of the things the DEEP didn't say was, they said, 'here, here is a check for one hundred and fifty thousand dollars and I went back and I said I am going to share this story with you, I said, I need more money and I have to pick up some more water and that was the entrance. We actually implemented two different types of L.I.D. techniques and the paved drive that is curvature - you are all familiar with Clem Lemire - if I had a picture it would help but it's the paved area, we utilized the sheet flow off the pavement to a landscaped garden and the first thing I want to say is this was designed in house and it was nearly constructed I would say 90% in house, we had a couple of specialty companies come in to assist us and one of those was a low bidder from Pennsylvania with much angst for this department, they actually came in because I researched it - the actual turnstone pavers - this company came in from another state and they had a small 3 zone diesel engine to actually place all of these pavers.

These are the types of things that we are going to see. The word is going to get out, we are going to talk to our neighbors, we are going to talk about different materials, we are going to talk about implementation, and the people with the skills because at the end of the day, we went with that methodology because I had another vendor that told me in their laboratory 'look at this water go through this concrete and I can get you on a schedule and when our vacuum truck comes through they clean it as such because when the pores in the concrete get sand and dirt that is windblown it's going to fail, or, you could have your public works staff pick up the wider sections and vacuum the bottom themselves'. You kind of cross off that and you say to yourself I am going to look at other means. The DEEP at the end of the day is not going to give us anymore money so that is why we implemented the pond, but we, ourselves, as engineers we did a couple of things because I did not want to have our Public Works forces come out in a year and say 'well, that thing is rolling and failing' and I did some things underneath as an insurance policy, so, at the end of the day, so far, all of the trials are holding up, I think it's working - there are things going on as far as just the reflectivity of concrete vs. the bituminous heating up and you say to yourself, 'why is that a difference', because when the rain hits the surface it's going to be cooler, and hotter and yahta-yahta. So, I think it is a success.

Chairman Block: Okay, can I just suggest - this is Item 5 of the public hearing. At this point what I think we should probably do is put a motion on the table and then we go on and under Old Business we would have the ability to vote on communicating to Planning and Zoning. I think that would be a more appropriate part to try and inject a motion into a public hearing schedule.

Commissioner Zelek: I just wanted to remind everyone that we've already seen several residential designs offered to us that we've approved that incorporated L.I.D., Mr. Bongiovanni brought some excellent advice to us for Cleveland Street and Spring Street recently, so it is being implemented, it is being used. I can see that moratorium stop that issue from occurring (cell phone interrupts speaker). Again, as we have been telling this only to our staff to deal with residential applications, I don't think it has anything to do with the science or technique of implementing those types of techniques. Would you agree with that, Chris? What is your understanding of why they want more time.

Chris Greenlaw: And again, I do not want to speak for TPZ and I can only tell you from the experiences I am having with my department because you know, quite honestly, we are the ones that are in the trenches with the designs but, to answer your question specifically, as an engineer you cannot dictate the means and methods. If we are going to accept a road, we are certainly going to accept the means and methods because we are going to receive that road so we want to make sure it is compacted and properly rolled, etc., etc., but - when someone comes in with a plan we look at it, and you kind of - you know, you throw the spaghetti against the wall, does this stick, is this really going to work, I mean, are they coming in with plugs for plants or are they coming in with one gallon plants - are the plants that they are coming with in on the approved list and we're working - it is still being refined right now - since I have gone to a couple of different seminars and one of the experts, the foremost of the state, he's already shown in the second seminar I went to, rainguards that are failing because people have specified the wrong media for the water to percolate through, so you take notes, what is your soil composition now, what is your mix, who are your suppliers, so we can dictate things that way and that is what we are going to refine and continue to follow up and make adjustments.

Commissioner Paskewich: I am in agreement with what Engineer Greenlaw is speaking to; I have also attended other lectures on L.I.D. last year and they have been looking at models across the nation putting pavers and other types of structuring and not all of it is working due to the difference in precipitation, the grass on the lawn, the growth of seeds that move from one lawn to the next that may be from other vegetation and the cause and effect of a particular element of L.I.D. that is being placed on a paved area, so you are right, there are considerations for every town that differ due to soils and seed and vegetation. I know you are working on that and I appreciate that. Thank you.

Chairman Block: I would like to have a motion to table this and then we can take up the issue under Old Business.

Commissioner Clark: Are we going to go into a recess and we can talk about it among ourselves.

Chairman Block: Upon thinking about it, I think we should, and I think that we should do so later on in the Old Business section because it has very little to do with a public hearing continuing it. I perceive the impact has gone far afield, so can I have a motion to table the public hearing to our next meeting.

Commissioner Sadil: I make a motion to table the public hearing to our next meeting.

Commissioner Zelek: Point of order. You have to entertain public comment.

Peter Arbur: Peter Arbur, 136 Tremont Street. As you know, I am the former Town Engineer. One thing I would like to point out, many of these things that you are talking about, I guess they are nice, but now you are going to be dealing with the public and so it would be very difficult in many cases to get the public to understand when it is taking money out of their pocket and from past experience, if you are not careful, everyone is going to be looking to the Town Engineer to the point of designing the projects and I can tell you this, from experience, as Town Engineer. At one point in time, we had a lot of drainage problems in town when I first came to the town, rear yard drainage and people wanted to solve the problems, and so the town instituted a permit process because many of these projects have impacted the town sewer system and of course, there was expense and the first thing was they came to my office and they looked to me to design these things and I had to say 'no', many times. I got into hot water, so I just want to point out the town engineer has a small staff and the kind of guidelines of many of these things are beyond the capabilities of the average person and so they are going to come and really put the pressure on Mr. Greenlaw in an attempt to design these systems, so just be careful on what you are formulating and how you are going to want it done.

John Bachand: I have been a basement waterproofing contractor for 30 years or so and so I will make an offer if you want to take me up on it, I have a world of knowledge on this subject. It is pretty touchy. There are two different ways to look at it and I can give you a first hand explanation of what I saw today with the subdivision next to me; obviously they are implanting some type of L.I.D. (background coughing) construction and what I saw there that worried me as far as residential goes and I heard you talk about the science of it; it is not so much science - it is more about the physical characteristics - basically you are going to have to do a percolation test on every single site that you are considering - there is not one size that fits all.

In my own mind I go from bank gravel to clay, so a little bit different characteristics. In fact, what I saw today was a deep drywell system which I imagine and I think they did it on the other lot - this is on a subdivision where they excavated that one the size of a house foundation and are filling in with gravel with the idea that it is going to work as a dry wall. The problem is bringing that down to the level of the basement floor could seriously backfire - it basically has a finite capacity and when that capacity is filled, it is basically acting as a watershed - you turn the water toward the foundation which could be a problem, so, another one to be solved - someone referred to Mr. Bongiovanni on a house construction where he was just taking water across the surface going into a little ponding area on the surface before that ran off the property - that is much more desirable from the basement waterproofing standpoint - you try to keep the water out of the ground. Our clay around here is kind of a double edge sword, it does prevent a lot of water going under foundations and it also purges or slows that water down, so the water percolates very slowly into the ground so any of the back water gets into your basement you will notice it 2-3 days after the storm, that is because the water is going very slowly, and once it is trapped there, it takes a very long time to get out, so again, I think every site is truly site specific, just like with the septic system - before you design a septic system you do a percolation test to see how fast that is going to burn down and these deep well ones that I just saw today was pretty surprising and the discussion talked about the cost and you can imagine the cost of that plus it is pretty expensive because they are excavating all day long with a large machine the size of a full house foundation, back filling with gravel down 6'-8' and then capping that back with soil again, so I am not privy to the plans but it looks like what they are constructing is what is considered dry wall and in my business we refer to dry wells as wet wells because when you need a dry well the most is when it fails the worst - when there is a maximum amount of 6 days of rain, that thing reaches its capacity and does nothing more. The surface one where you try to attenuate the water before it runs off into your storm drains again, strictly from the basement waterproofing point of view, would be better. I am all for protecting when you talk about Cedar Mountain and I am a little bit conflicted there but just like I said, you could be causing serious problems with residential basements. When you talk about commercial it really doesn't matter, you go down 2 feet and add a dry wall and then I was just curious about when those implementations take place - talking about existing residential properties grandfathered in and if you are replacing your driveway you would have to comply with these regulations, or, is that strictly for a new driveway. I don't see how people should be required to replacing the driveway. Thank you.

(woman speaks inaudible identification) I would like to ask John Bachand if the house is already existing and I would like to know what the town uses as fertilizers and herbicides and pesticides in the town grounds and what is used to clean the buildings and other schools are not allowed to use anything other than green. All of these things are important to me and with individuals who have to do cleaning of property owned by the town.

Chairman Block: This conversation has to do with the L.I.D. wetlands and the other questions you have can be brought up at a later time, but you can inquire of those things of the other departments.

Woman replies the reason why I ask that question is that if you are going to require residents to do this on their personal property that means that the Town also needs to (inaudible).

(muffled voice quality/ not speaking directly into microphone)

Chairman Block: Thank you.
Motion to table please.

Commissioner Sadil: Motion made to table the public hearing.

Commissioner Zelek: Second.

Chairman Block: All in favor? Aye unanimously.

VI. NEW BUSINESS

A. Election of Officers

Commissioner Clark nominates Jeff Zelek for Chairman. Jeff is on our Conservation Commission and Wetlands since 2006; he has served as Vice-Chair for two years and the cases in which he has run the meetings, he has run an efficient meeting keeping it on track. He cares and makes sure that the public is being heard, knowing that at all times we serve the public. He has asked applicants and staff to present their material and explain it so it is understood by the public. He has an excellent recall of prior applications that have come before us in a different guise and is able to pull things together. He pursues continuing education and has attended the CAC.WIC conference two years in a row, one year studying the vernal pool information and this year attending the legal updates. During these meetings there is important networking from other commissioners, from other towns and he has brought experts to speak to the commission and the public, including John Pollock who spoke about vernal pools and he brought in Kate Brown - the project manager for the trust for public land and he has done boots on the ground observations of applications to get more information and he has made decisions and voted on facts of the evidence as it pertains to the statutes and he can be very passionate and also impartial in stating the facts into account. He is instrumental in getting our subcommittees going to attend TPZ meetings which we really learn quite a bit even though there has only been a couple of those and I would like to endorse him as a person to run for Chairman.

Commissioner Paskewich: I second the nomination.

Comm. Igielski: You have a motion to close the nominations which would require a motion and a second and then you vote on the nominees.

Chairman Block: Are there any other nominations?

Commissioner Cassasanta: Would you like to continue on as chairman, Mr. Chairman - certainly I would nominate you.

Chairman Block: Is there a second?
(none)

Commissioner Igielski: Although in years past, many motions have been made and seconded - at last year's annual meeting for election of officers, a nomination was being made with no second and it is my understanding that according to Robert's rules that Mr. Zelek is correct in a second not being required; it is possible to have a second but the nomination would be an indication of support by that person for the nominee.

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Chairman Block: There are two nominations at this point.

Comm. Igielski: At this point, I make a motion that nominations be closed for Chairman.

Comm. Cassasanta: Second.

Chairman Block: All in favor. (Aye unanimously)

Chairman Block: All those in favor for Jeff as sitting Chairman. (Aye unanimously)

Comm. Igielski: Mr. Chairman, you said the vote was unanimous and your abstention places your vote in favor of Mr. Zelek.

Comm. Igielski: Now that a new chairman has been elected, that chairman will be seated for continuation of the election of officers.

Chairman Block: I was entertaining a motion to adjourn for 5 minutes and then Jeff will take over.

Comm. Igielski: I would like to request a recess.

Commissioner Sadil: Second.

Chairman Block: All in favor. (aye unanimously).

Chairman Zelek: The next item we have to take care of is nominations for the Vice-Chairman.

Comm. Paskewich: I nominate Comm. Kathleen Clark. She is very worthy of her knowledge that she has brought to this commission at every meeting and also listened to the other commissioners and expounded upon their comments and questions. She has been courteous and polite towards everyone here including the chairman and vice-chairman in her discussions and is very concise and I think she is worthy of the position

Chairman Zelek: I would also light to say that Kathleen is very insightful and she really delves into the issues and brings it to the surface and some of the items need to be closely examined. I would like to see Kathleen elected as Vice-Chair so that we can have her develop her skills in running the meetings and maybe someday possibly also serve as our Chairman. Thank you for the nomination. Any other nominations for Vice-Chair?

Comm. Cassasanta: I would like to nominate Phil Block as Vice-Chair. He has years of experience running this commission; he's an asset to this commission and I think he would definitely bring something to the table in terms of this commission running at peak performance not to say any nominee would not but just that he meets with the experience to this commission and in his field so I would like to make a strong recommendation for Phil Block.

Chairman Zelek: Does anyone else wish to speak for Mr. Block? Seeing none. Any other nominations for Vice-Chair.

Commissioner Igielski: I close the nominations for position of Vice-Chair.

Commissioner Cassasanta: I second it.

Chairman Zelek: All in favor closing the nominations for Vice-Chair. Aye unanimously. Any opposed (none) any abstentions (none) so moved.

All in favor of Kathleen for Vice-Chair?

All in favor for Mr. Block for Vice-Chair?

Chairman Zelek: Four votes for Mr. Block, so Mr. Block takes the Vice-Chair. The next position is Secretary and I would like to nominate John Igielski for Secretary. I think John has done a terrific job the last several years. He is very knowledgeable regarding our rules and regulations. Does anyone else have any other nominations?

Commissioner Igielski: I would suggest that if there are no more nominations that nominations be closed.

Chairman Zelek: A motion to close the nominations for Secretary.

Commissioner Clark: I vote to close the nominations for secretary.

Chairman Zelek: Second please.

Commissioner Cassasanta: I second that.

Chairman Zelek: All in favor of John for Secretary? Aye unanimously.

B. Meeting Dates for 2015

Chairman Zelek: Moving on to the dates for 2015 and passes out list to members and we will meet for the first Tuesday in each month through 2015 and anyone have any issues with the dates proposed?

Commissioner Igielski: I checked and found the first Tuesday in January is the 6th

Chairman Zelek: So we will correct the first meeting in January to January the 6th, any other corrections?

Comm. Block: Let me just check something because tonight is the first night of Hanukah and I just want to check is there is a conflict.

Comm. Paskewich: I have a comment on the second page in the foot notes down at the bottom of the page, it says Jewish holiday begins the night before and continues through the evening of 9/23/15.

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Comm. Igielski: Mr. Chairman, I believe the second page is not on the calendar but just a reference material.

Chairman Zelek: Those are a list of town holidays; they are not our meeting dates.

Comm. Paskewich: What is the reference of September 23, 2015, footnote on the bottom.

Chairman Zelek: The second date is just a reference for the Town Hall holidays and we are not working on the Town holidays; we are just working out a schedule.

Comm. Block: Yes, our meeting is September 15th so there is no conflict with that.

Comm. Igielski: I make a motion that the commission accept the proposed meeting dates for 2015 and January 2016 as corrected.

Comm. Sadii: Second.

Chairman Zelek: All in favor? Aye unanimously.

C. Application 2014-13 100 Milk Lane, modification and installation of infrastructure for treatment of waste water by produce per DEEP permit.

Chris Greenlaw: Do you want me to give a 30 second background of this file and I would just quickly like to explain to them why they are receiving this application before them this evening. You certainly and your team are going to get into the details and for the benefit of the commission I want to tell you that originally this was being looked at as an approval and it was not until it went to TPZ that commissioners here by going to that meeting questioned - they thought it was of the caliber perhaps what they saw at TPZ that the activities would warrant the review of this commission. I brought that to the attention of the consultants and they acquiesced and that is why they are here before you this evening. One thing I do want to tell you is I want to highlight why we lean toward this approval is the fact that you have seen this applicant before - this applicant has a long history of expanding and one of the comments I believe they made at one time is that the reason for their map amendment was the fact they had continual regulatory changes whether it was building by OSHA and DEEP - this application tonight is in lieu of a notice from DEEP that is mandating certain improvements with their facilities, so that being said, as requested by the consensus of this commission, they are here before you to present. One thing I want to note, I want to note that this is technically now - we are 30 days into this - so at the end of the presentation I am going to remind you all that based on everything you heard and the questions you had you are going to bring up the topic of whether or not you believe we should have a public hearing and we can talk about whether or not you want a public hearing, we can also move forward and discuss how much time you have - if you want more time, absolutely and they will be here before you next month and if you want additional time, you can always ask the applicant for an extension in 35 day blocks

Mr. Williams: Goodevening Mr. Chairman and congratulations, and commission members - my name is Joe Williams and I am a partner in the law firm of Shipman and Goodwin and our office is 1 Constitution Plaza in Hartford and my practice focuses on land using environmental law and I am proud to be here before you this evening representing Saputo Dairy Foods, LLC. With me at the computer in Greg Hunt our civil engineer with Buck & Buck. What I would like to do this evening Mr. Chairman, is to offer you just a brief overview and introduction to the application and for reasons I will explain. So Saputo is requesting a permit from your commission to build a small building addition to house waste water treatment equipment within the upward rear view area and as you may know Saputo operates a dairy processing plant at 100 Milk Lane which is east of Fenn Road and it has an existing waste water treating system that adjusts the pH of waste water from the process before it is discharged into the sewer system. That waste water system which you can see on the display before you - you can see the two large tanks and see the existing building and these are existing holding tanks and that is the location of the proposed building addition. As Mr. Greenlaw pointed out, that existing system I believe, let me check the record and I was told that this system was approved by this commission in 1997 - and as Mr. Greenlaw pointed out the Ct. Department of Energy and Environmental Protection or DEEP has directed Saputo now to remove milk from its rinse water BEFORE that waste water enters the MDC water sanitary sewer system and that is to comply with the FOG or Fille regulations that stands for fats, oil and grease. In response Saputo proposed what is called a dissolved air floatable system or DAF system and that in layman's terms allows the milk to be skimmed off the surface of the waste water and to be collected in a drum and trucked off site, again to comply with the FOG regulations. So to do it adds an extra step to the waste water pre treatment process which requires additional equipment. DEEP has now approved the proposed DAF system and you have the DEEP approval attached to the application that we found and that equipment requires its own self contained building so that the equipment will operate properly and will not freeze. There is only one place on this site to put the additional building and that is right next to the existing waste water treatment system because as I said this is an additional step in the existing process. So we have proposed it right in between - and you can see the holding tanks in the existing pre treatment building. That is within the upland review area to wetlands and triggers your review of course and also zoning for site plan approval and that application is pending. So the application again is for a permit to conduct regulated activities to fill a 26foot by 47foot addition in the upland review area, strictly to house this new waste water treatment equipment and it is not for any of Saputo's other processes or to expand its production capability or anything like that - it is solely to house this waste water treatment equipment. All of the work is outside of wetlands and water courses per the map amendment that this commission approved a few months ago and the work is - the new building addition is to mainly to take place on an existing paved driveway that is already pervious and so there will no direct impact to wetlands or water courses. It is within the upper area so a permit is required. As Mr. Greenlaw said we initially had discussions about administrative approval and I understand the commission expresses preference for this application to come before it and Saputo of course, is glad to do that and they have asked me to help shepherd them through the process. Where we are now is that I was just hired to help them in this process last week and we are still in discussion with our team about which tactical presenters we think would be helpful and useful to the commission to come before you.

We understand that the commission has expressed that some preference that a soil or environmental scientist be part of that team and we expect that such a professional will be part of the team. I need a bit more time to schedule those folks and to prepare a complete and thorough presentation for you and we believe it will demonstrate that this project will have no adverse impacts on wetlands or water courses. We also have received some preliminary comments from Mr. Greenlaw that we are working on, so with all of that we are asking you please to continue your review of this matter to your January 20th meeting where we will give you a full presentation by the technical team and of course you can review and decide on your regular agenda at that meeting or Mr. Greenlaw mentioned I would ask if the commission feels that one of the statutory basis for a public meeting is met, you should decide that tonight because the application was officially received at your November meeting, so you would have to open it at your January meeting.

Comm. Sadil: Sir, can you go over the boundaries quickly between the blue and the green which I am trying to reconcile on your screen.

Mr. Williams: The blue and green were added by Greg just for presentation purposes. The blue is referring to proposed sewer lines and the green is on the upper for more detail and on the lower plan the green is showing you the upland review limit.

Comm. Sadil: So that little box there circled is the proposed new limit, right?

Mr. Williams: Yes, so it is within the upland review area.

Comm. Sadil: Okay but it is behind those two existing tanks which are already a part of the upland view area.

Mr. Williams: That's right. As is the existing pretreatment building that is to the left of it or the west of it.

Com. Paskewich: I have a question. Regarding the use of a soil scientist that you are pursuing I went into the cover page of the application permit that we all have and under the data section all of the acreage appears to be non applicable towards the wetlands except for the buffer area so the use of the soil scientist for the buffer area acreage - because I do not see any wetlands listed in your data compilation.

Mr. Hunt: I am from Buck & Buck engineers and we are not proposing any work within the wetlands and all of our work is within the upper review area.

Comm. Paskewich: So you are utilizing a soil scientist just for what.

Mr. Hunt: What the impact on the wetlands would be in our work in the upper review area only.

Mr. Williams: On the upper review area, if I can elaborate on that, we have not figured this out yet and that is why I am being honest with you telling you that we are putting a team together and will present it to you next time. If it is the commission's preference, like I said, we are willing to have an environmental scientist who would evaluate the wetlands and water courses that are in the vicinity and evaluate whether the proposed project would have any impact on them because it is our job to show you that it will not have any impact on them, so that would be what we are looking at.

Comm. Paskewich: What is the distance to the wetlands that might give concern?

Mr. Williams: Well, I will let Greg speak to that because some of the wetlands are off site so they have not all been flagged but we can see the distance to the wetlands on our site, maybe you can answer that, Greg.

Mr. Hunt: The distance from our addition to the wet amended wetlands line which is actually coincidental to the property line to the north now if we couldn't change the wetlands on the northern property then it is on the order of 35'-40', I believe.

Comm. Paskewich: And the slope there?

Mr. Hunt: It gradually slopes off to the north and to the west off of that.

Comm. Paskewich: Is that a lawn, or pervious area.

Mr. Hunt: It's impervious and grass right now, actually I do have a picture of the area, this is the area right now, it's grass off to the right of the building and the red outline indicates roughly what the building is going to be and it is charted all in perspective but I don't go beyond that first tank with the proposed building and it follows mostly on the existing gravel.

Comm. Paskewich: So it is not much of a difference in relationship to the existing building in the perimeter except to the right.

Mr. Hunt: Correct. It is basically the same width as the existing building but I had to push it over to avoid conflicts with the footings in the existing tanks.

Chairman Zelek: So just to the right off the grass is the wetland boundary.

Mr. Hunt: No. The wetland boundary is the property line which is roughly - don't go by this as being the scale overlying the third line but it is off the right hand, red line there to the wetlands line which runs under the property line on the line of 35'-40'.

Mr. Williams: Can I just ask Greg, please, to clarify when he says it's coincidental with the property line what does he means by that?

Mr. Hunt: The wetland line is basically on the property line now because our map amendment could only go that far.

Mr. Williams: What you mean is that we did not flag on the other properties so we are assuming it comes to the property line, is that what you mean?

Mr. Hunt: Right.

Comm. Block: If you can return to the plot plan, please, two questions, the lesser one is right here, the donut shaped object shown just below the scale that is not identified, I find that there is a contour trough leading to this, any idea what that is?

Mr. Williams: It is not a part of this application.

Mr. Hunt: Oh, this? That is a construction that we put in with the truck scale to catch any sediment that came off the trucks.

Comm. Block: All right, more importantly, up here, here and here, it looks as best I can read the map, it is something like about almost 8' or more of slope from the tanks over towards the wetlands, if you can see it any better than I, to determine...

Mr. Hunt: ...from the tanks to the wetlands it is more on the order of 6';-8' at best from the southern end side of the tank.

Comm. Block: And there is no berm shown outside the tanks, is there any other device of construction to protect a catastrophic failure?

Mr. Hunt: Only that there are floor drains in building #2 that look like any small failures or if there was a catastrophic failure the building itself would probably contain a large part of that.

Comm. Block: No, I am talking about the fence.

Mr. Hunt: Oh no, there was no containment required when they went in and there is none right now.

Comm. Block: So it would flow directly into the wetlands if they ruptured.

Mr. Hunt: Correct.

Comm. Paskewich: The tanks themselves, they are new?

Mr. Hunt: No. They are existing.

Comm. Paskewich: Okay.

Mr. Hunt: They are there since '97', they went in with the original treatment plant the purpose being just catching larger flows to equalize the flow treatment and giving a chance for the ph and different wastes to neutralize on their own.

Comm. Block: What is the gallon average of each tank.

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Mr. Hunt: I believe 15,000 gallons

Chairman Zelek: Getting down to questions asked earlier on of catastrophic failure was one of the questions that we had raised and I believe it was at the TPZ meeting Mr. Hunt was asked to respond to what would happen to the environment and you referred to an environmental specialist who was part of...

Mr. Hunt:...that was the - they were speaking of the choice of the equipment and I was not involved in choosing that system - I was brought on to describe the structural side of engineering.

Chairman Zelek: We are requesting environmental expertise should the commission ask questions.

Mr. Williams: We would be happy to do that Mr. Chairman - and I would be happy to collect any questions or comments the commissioners have and getting into some of the areas that I think the other members of the technical team might address and I am glad to know what is on your mind that we can address and like I said I would be happy to take down any other questions that I can have those people speak to, but we probably would have somebody else who is more involved in a detailed way, in the waste water treatment system would be able to answer some of those questions who would explain that we know of no potential for any kind of failure, however you might categorize it - but we can deal with that the next time because that is not really Greg's area - he is the site civil engineer.

Chairman Zelek: Commissioners, any other questions that you would like to ask that he can address at the next meeting.

Comm. Clark: Meaning, ask now so that he can do the research.

Chairman Zelek: Correct. So that they have something to take away from us, what our concerns are, so that they can address them the next time.

Comm. Clark: I think the pursuit of what would likely cause a catastrophic failure since it was their person who brought up that topic, has this ever happened with the same equipment, what is the shelf life of the equipment, those are my two questions

Chairman Zelek: What would the impact be and how would you contain it.

Comm. Paskewich: In reference to what you are speaking, these tanks are probably listed and labeled for their use and the obsolescence of them over time could be due to a lot of different factors so that is a good point and if they are inspected periodically by someone on site or off site for the potential obsolescence of them.

Mr. Williams: I would be happy to look into that, Mr. Chairman and we are adding a pretreatment step with regard to the milk and we are not proposing or asking the commission to approve any changes regarding to the tanks so I just wanted to be clear about that but I will have somebody try to answer those questions at the next meeting.

Comm. Sadil: Regarding a catastrophic failure at this point it would be very useful.

Chris Greenlaw: I have a question, the question is - the statement first - the statement is within your purview and authority I want to make sure I am hearing you all correctly and I want to clarify something, - what triggered them to be here today was a mandate from DEEP to do certain things to their facilities and in accordance with the fog and the damp systems and these activities as they might affect the wetlands but, if I understand you correctly, you are asking a question about an existing silo in a catastrophic failure, you do understand these silos are not a part of the construction. Why this application is here that triggered for this application is for you to interpret the activities of altered soil and the possible impact to wetlands. These silos, correct me if I am wrong, consultant, these silos existed, they exist today in this picture and why we are here is to see what you are going to do to mitigate the activities, the construction activities and the runoff you could have associated with those activities/

Comm. Clark: A related question and how does the product flow from the silos - does the product flow from the silos into the new building.

Mr. Hunt: Yes.

Comm. Clark: So therefore, there would be a legitimate concern because it is all part of one system that would make it more likely for there to be a catastrophic failure because there is a connector as it were from something that's been sitting there that we never would have been involved with now - the treatment train is moving into the building...

Chairman Zelek: So our focus is on the proposed addition if there was a catastrophic failure in there.

Chris Greenlaw: Where I am going with this is I am beginning to understand your question but there is a certain angst with this like anything else these are tanks that are above ground and certainly you have been requested to bring your professional, but for instance I would equate this a gas station that is doing some work around its site and all of a sudden when that application comes in for a sign or something that is going up in the gas station, now the commission is asking about tanks that are under ground - you need to rephrase the question is that the professionals that come in talk about that this is designed in accordance with certain standards that are being used if possible around the nation or in accordance with those other regulatory bodies when loading on the tanks and things as such, but I guess it is a word of caution. I just want to specify to this commission that no work - these tanks exist.

MR. Hunt: These tanks exist, there is no change happening to those tanks. The DEEP does not require containment for any of these components in the regulations and we are not proposing anything at this point other than the four grains that would collect in the smaller leaks and just direct them back into the system.

Chairman Zelek: So we should focus on the proposed additions and I also see in here a bituminous driveway is proposed.

MR. Hunt: Basically there is an existing bituminous driveway there now that will not line up with the new overhead doors so it should be the same.

Comm. Sadil: On the proposed addition, can you explain the construction, is there excavating that is going to be done in that area?

Mr. Hunt: There would be footings put in so we would be going down on the order of 4'-5' to match bottoms with the existing buildings to get below the frost lines elsewhere but there are no basements or of that nature going in.

Chris Greenlaw: Mr. Chairman, if I may and this is what led me down the road to entertain this because would you please also explain your approval of treatment system and the modifications that you received from DEEP, this document you showed me specifically I want to make sure I am reading this correctly, that after the DEEP reviewed this, starting with the second paragraph will you please explain to me their correspondence, did the commissioners all receive the approval of treatment system modifications letter today., did you read that? Would you read paragraph #2, would you please ...

Mr. Williams:...the second narrative paragraph on the approval, right it says that the commissioner has approved the modification of the existing waste water treatment so Saputo already has a permit for the waste water tanks and for the existing system that has been operating without any failure for 17 years plus and the DEEP requires Saputo to amend that permit, to add an additional step for pretreatment and the commissioner found that the proposed changes will result in the protection of the waters of the state and authorize Saputo to conduct those activities and attach the two conditions that you see there - then basically there will be some fine tuning between DEEP and Saputo along with the operating procedures and the final treatment scheme will be after the equipment is put in place which Saputo is now required by law to put in place under this permit modification approved by DEEP.

Mr. Hunt: Another condition they want is the sanitary waste separated from the process water which is why we are proposing the additional sewers.

Comm. Block: Do we know if the town participated in the initial permitting of this system in 1997 - are there any records?

Mr. Williams: It is my understanding this commission approved the construction of the system within the upland review area. I would think that would have been the case.

Comm. Block: Do you have any knowledge about this, Chris?

Chris Greenlaw: My staff has informed me the last specific date I can verify, but they told me that they have been here on several occasions - that date sounds approximately correct, I do not have the file in front of me.

Comm. Block: But there is a prior permit.

Chris Greenlaw: There is a prior permit. - prior permits.

Chairman Zelek: Thank you, sir.

Mr. Williams: Thank you.

Chris Greenlaw: Mr. Chair, there is one other item whether or not this commission - was it answered - there was an item - the item as it refers to statutory the commission should consider whether or not you would like to request a public hearing or would you like this to come back as old business with design professionals as you requested and at that time you can make a finding of the fact or, when they come back next month you can hear their professionals and if you seek additional information you can request for an extension - you can request the extension for 35 or possibly 65 - I think the attorney can tell you and I think I have it written down, but important tonight if you felt as though from what you are hearing, what you are reading and what you have observed with this application, has it warranted a public hearing, you could make a motion or you can entertain this as Old Business and when it comes back as Old Business you can request those extensions up to I believe, 65 days, correct?

Mr. Williams: There is a total extension essentially now for 65 days, yes.

Chairman Zelek: So my opinion is the impact is not significant to warrant a public hearing.

Comm. Igielski: I agree that it is minor work within the upland review area and I also would like to confirm that the date of receipt of this application is November 18, 2014 and the date of submission is November 3, 2014.

Chris Greenlaw: So while transferring there was a process - no judgment was rendered, only comments were generated so what happens is as a matter of the rules it becomes received automatically at the next regularly scheduled meeting which would be the 18th, so that was - that technically was when it was received.

Comm. Igielski: The information I am looking at does not have a Town of Newington date stamp on it so are we to say that the date submitted by the applicant's signature is November 3rd is in fact the date we received it?

Chris Greenlaw: It was November 3rd, that was when it was paid for and collected, yes collected. This is the office copy with the original ink

Comm. Igielski: So the date it was submitted in less than 35 days from that time to the date of our regularly scheduled meeting in November, it does meet that November meeting date, the date of receipt, which means we have tonight and next month's meeting to review it within the time limit without needing an extension and by next month's meeting should we need more time for review we can ask again for an extension and if the information presented at next month's meeting which would suggest a more involved project which in turn would warrant a public hearing called for, then that resets the clock but I agree, Mr. Chairman that what we have seen this evening is only minor work on the upland review areas and basically construction and just a few footings to support the equipment.

Chairman Zelek: So, Mr. Secretary, should we entertain a motion?

Comm. Igielski: In my opinion, no. At the time that we choose to act on the application, which has been our practice.

Chris Greenlaw: I don't know if I agree with the secretary on the basis that I believe tonight we have to make a decision on the public hearing.

Comm. Igielski: Only if we so choose to by consensus I have a feeling that there is a likelihood that we would want to call a public hearing but for one, I see nothing that would warrant a public hearing and to the Chairman's comments as similar - so- we still have the option come next meeting based on the presentation, if there is more information that is presented that would suggest a public hearing might be necessary or appropriate.

Mr. Williams: If I may, Mr. Chairman, the reason I said at the beginning that I was asking if the commission felt like you would like to have a public hearing and that not one of the statutory bases were met, then I was asking you to decide that tonight is because by statute it is correct that the application is deemed received at the November 18th meeting and under the statute if you were to have a public hearing it is required to open within 65 days after receipt and so that being the case I would say only if the commission felt like, which it doesn't sound like you do, but if you wanted to have a public hearing then it would make the most sense to decide that now so that it could be noticed, published and commence at your January 20th meeting, otherwise we can proceed and we will still give you all of the information that you are looking for at your next meeting.

Chris Greenlaw: That is correct. My reading of the regulations Section 9, public hearings, page 12 and goes on to page 13, such hearing shall be held no later than 65 days after receipt of such application so that means that if this commission did not make a decision this evening and you changed your mind at the next meeting, you would 3 days to schedule a public hearing and we would be in the fault of the rules in scheduling with proper notice for a public hearing and that is why at the beginning of the application I mentioned that because I wanted the commission to think about this.

Comm. Igielski: These time frames can be extended with the applicant's approval.

Mr. William They can be and I have read the regulations and it tracks the general statute correctly. There is a total amount of time that can be extended of 65 days for the entire process and I would respectfully submit, and with all of the questions this evening, you probably have enough to know if you feel like you need a public hearing, I am just asking on behalf of the applicant to keep things moving and do not leave it until January to decide and then ask for an extension and then go to February to start the hearing, that really drags it out quite a bit and then you have eliminated the ability to extend your decision making as well so that is why I am asking you respectfully on behalf of the applicant if you could decide that tonight or let us give you the full presentation on the regular agenda next time.

Comm. Paskewich: My feeling is towards more healthy, sanitary conditions on the site and I think it would be beneficial to try and move forward as best as we can to make this project happen to the sanitary conditions, it will be an improvement.

Comm. Igielski: There is also the requirement of the DEEP applicant go through and accomplish all this work and it would be better for the whole process.

Chairman Zelek: I agree and so with that said can we have a motion stating that a public hearing is not necessary for this application.

Comm. Sadil: I propose a motion that application 2014-13 that a public hearing not be required.

Comm. Cassasanta: I second that.

Chairman Zelek: All in favor? Aye unanimously and the motion passed.

Comm. Krawiec: Not related to this motion but in relation to Comm. Block in regard to the permit for the tanks on the latest application to get some historical perspective, would it be possible if the commissioners could have that permit sent to them just to review for educational purposes for those particular two tanks.

Chris Greenlaw: Certainly commissioner, any information we have is yours and I will go back into our file and if we find this is the consensus of the commission.

Chairman Zelek: Is it the consensus of the commission to see it?
There is a majority who would like to see it.

Comm. Krawiec: Is it requested for information and education, correct.

Chair Zelek: And not being on the current application.

Comm. Krawiec: Absolutely. Thank you.

VII. OLD BUSINESS

A. Inland Wetlands Regulation Changes - L.I.D. (Low Impact Development)

Chairman Zelek: As our staff, what is your thought what was proposed on this by the TPZ.

Chris Greenlaw: You are exactly correct as the Conservation Commission, that is something you can do with your authority as the Conservation Commission. I believe in following with the rules even if it was 5 minutes what you really need to do is get a consensus and then just write down some thoughts get a consensus of the commission and in accordance with the rules, that is the plan we set forth, therefore, you can formalize and streamline exactly what you want to bring forth to the TPZ. I have heard commissioners say before that they would sometimes hear it as an inland/wetland commission. This is something that is out of the purview and authority, this is a whole other area and this is your opportunity, that would be my recommendation, take 5 minutes, organize your thoughts because we can't wait until the next meeting because you will miss that meeting, the public hearing.

Chairman Zelek: My question was do you think a moratorium should occur or do you think we should have more time to continue to encourage L.I.D.

Chris Greenlaw: To answer that question are you asking me as an engineer in my capacity to try and keep up with these things or the capacity of the nation's wetlands so I think the proper way to answer you is that I like the recommendation of leniency and when I say leniency I would narrow it to the threshold so if someone came to you and said, maybe not a moratorium, moratorium, I would - "yes" only for the essence to build time, that is the best engineer answer and the answer as being an agent to the wetland, I would say, raise the threshold, maybe propose that you take the number and you increase it to 1200SF or 1500SF for the residents so they don't go in and put in a patio of a couple of thousand or two or three thousand dollars and find out they have to spend three thousand dollars so would allow economically and mandate this with a strong fist, yeah, you have to do this and you know, what is the benefit at the end of the day vs. the amount of money that you are being spent, where you increase the amount of impact, now you are saying, hey we are going to spend this money and now we are going to have a greater benefit on residential use, that would be my recommendation that may be proposed, adjusting the threshold on the residential side.

Comm. Block: What I would like to suggest is that specifically request that the moratorium be limited to enforcement but that the TPZ and appropriate town agency continue pursuing the development of applicable regulations and standards during the course of the enforcement and I think that accomplishes both goals. Our concern is that we proceed to improve the inland wetlands and at the same time that we don't have an undue or premature burden put upon the residents.

Comm. Cassasanta: I right now am partial to Mr. Greenlaw's position, I do not want to see a moratorium but we tell them to raise the threshold and continue on L.I.D. as it was intended to go raising the threshold will remediate any burden for the homeowners to develop their property and not put any undue burden on them and that we continue to implement L.I.D. and it is kind of like a compromise solution for now until we can get it resolved but I don't like the idea of a moratorium and I think this would be a good compromise solution for this commission to recommend to TPZ.

Comm. Block: I hate to be a nay sayer but I have always found that if we implement the standard - to alter the standard in the future becomes a far greater burden, so I would rather not have a standard established at all at this point but just say a moratorium on enforcement while specifying as I said before that the various town agencies continue the agenda; and perhaps some table will be developed towards developing applicable standards, I don't want to have something put in place that has to be changed in the future until we have something to base it on.

Comm. Cassasanta: I appreciate your concerns Commission Block and I agree, my concern is any kind of moratorium I see it as endangering the full process and this is now getting to the end point of better controlling our rain water, our runoff and once we start allowing these other things, yes, I agree with you that endangers it, and the proposal I am making is just a recommendation a temporary while we look at the technical aspects of implementing L.I.D. and temporary lifting of the threshold so it does not put a lot of undue burden on home owners looking to improve their property.

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Chairman Zelek: So to me, when we start talking about thresholds , it's a little too technical and as a conservation commission, we are just trying to make a recommendation and not get really into the science. This is for an engineer expert when we start talking about thresholds and that was part of why I was saying and just agreeing with the Town Engineer -so would the commission maybe prefer to say to the TPZ we encourage you to make your moratorium as brief as possible because there is such tremendous benefits to L.I.D.

Commissioner Krawiec: This proposal has been 9 months in the making so my concern is we put a moratorium on it, how much more time do we need here and why not at this is point, 9 months into it that we are approached with this moratorium.

Comm. Paskewich: Speaking on the same topic with exchange questions and comments, and with the time working at this and going on as such; I'm wondering if I should make a recommendation to the commission and ask the Engineering Department in their pursuit of discovering and exploring their resources for the Town of Newington's soils and the application of certain products. if he could through his staff provide us with drafts along the way to this commission as to how they are pursuing that, in other words, what I am hearing is the Engineering Department is working towards determining what is the best use for our soil and residential property, is that correct?

Chairman Zelek: I am not understanding...

Comm. Paskewich: You're not understanding, okay, in order to determine how long a moratorium this is going to last, some progress has to be done in-between to develop the practices and standards of implementing new products on residential sites in the town.

Comm. Block: I think what Alan is saying is another version of what I was trying to say before. A moratorium by enforcement is one thing and what we want to ensure is that this community continues to develop applicable practices, standards and whatever and were they residential lots and the soil types in town. If we do nothing and they have a moratorium, the whole thing stops dead in its tracks and when it will start up again, who knows. We don't want that, I think, okay, so the point is we need to have the TPZ separate out the two, moratorium on enforcement and set us a time table of development of applicable standards and procedures, okay, so they are under the gun, if you will, to do something during this period of time.

Comm. Clark: This is addressed to Chris We as a commission receive a lot of training and information from you about L.I.D. practices. Have the members of the TPZ received similar training and information that would allow them to make a decision based on that information.

Chris Greenlaw: I don't know if I am answering your question correctly, but the committee that was formed to write the regs., had a representative, their chair person was there along with our chair person, the planner and the engineer, and this information was disseminated to them, now to what extent and how much, I mean, just like yourselves the applicants' consultants come in and explain these plans and second by second how much information is explained to them, I do not know but what I can tell you is that both Chair people were part of the regulation process. How much of that is far reaching and explained to the commissions, I do not have that answer.

Comm. Block: Mr. Chairman: Again, we heard the theories, we heard the goals, we heard the practices in communities with a lot less fencing but to respond to the specifics of how it is implemented into the community is extensive, so that is why I am being so forthright in trying to get you to try and not jump ahead of the facts, okay, we want to do this, but to be quite candid, I myself am not convinced that we know how to do it in our community yet. We need to learn that before we require anybody to do anything.

Comm. Paskewich: Question. How are we going to learn that?

Chris Greenlaw: If I may, engineers love empirical data, we all know how to build roads, we all know how to build buildings and now we are getting a little avant guard with some of these bridges; you see elaborate designs and my point is with the L.I.D. it is new - it is new, and this was rolled out and you have all sorts of people coming out of the wood work and I wanted to share that story with you with the concrete slabs and when I was told that I could on the vacuuming schedule or my public works team could pick up one ton slabs and vacuum slabs, absolutely not, we are not going with this product so, time could be a good thing, but we're talking about you have not had the advantage - there are certain images in my mind, so when I think of the resident, I should clarify - I think of the residents specifically, he already has the house - he already has the landscape - this is not a brand new site here, this is someone who's just triggering the regs. because of a 600SF threshold. That is a specific incident that I have in my mind and to be in the trenches with them and have to explain it to them and tell them they need a site plan and tell them they are going to spend almost as much for this as the whole improvement to their yard and then walk them through the full cycle and they are also limited at that point because it is a re-development on such a small scale, to see if you can fit it on R-12,000 lots, so, it is very difficult and the tools that you have, the VMP's to incorporate for that lot is already largely developed - it narrows - and it is very difficult, so that is why I specifically went in and I said I am looking at the threshold, if we pick up the threshold, because - at the end of the day - you are going to spend a lot of money on that re-development effort, especially for that residential site vs. the amount of benefit and that is the issue in my mind - at the end of the day, it is hard, it is new and these methods and techniques are going to take time to be tried, tried and tested. UConn up at Storrs is concrete filled, UConn over in East Hartford they use sand and they use permeable type devices and it is working, so - we are learning and we are collecting data, but that is not residential and I do not want to mislead on that, that was an example of how maybe a practical type of installation of a product may or may not work, but we are talking about the residential application.

Comm. Paskewich: Can we confine that to just single family existing structures and revisit the recommendations of future large developments and subdivisions.

Chairman Zelek: I think it is limited to residential, whereas condominiums, etc. would probably be more considerate of an engineer solution - and it is really the small home owner where that moratorium is going to kick in.

Comm. Block: May I suggest in very rough wording that the Conservation Commission set forth recommendations to TPZ to rather than setting a moratorium by enforcement, that they set a period for R&D and applicable regulations and practices and procedures for single family homes and that a moratorium enforcement is strictly placed until such time as such regulations and procedures are enacted.

Comm. Krawiec: If we adopt that language, I would like to have some time line put in there.

Comm. Block: May I suggest that the TPZ set forth a report within 18 months

Chairman Zelek: We can't guess at that because the TPZ may be thinking that just 6 months is all right.

Comm. Block: This is advisory.

Comm. Cassasanta: Why don't we say no longer than - maybe an 18 month time lime and say no longer than 18 months.

Comm. Block: I go with 2 years.

Comm. Cassasanta: Okay, whatever we decide and whatever the consensus of this commission is, yes, and that is important because Comm. Block mentioned how difficult it is in a highly developed, very densely populated community like ours to implement these types of requirements but it is even more important that we do it in a community like ours because more of the water is running off and in a less developed community that has more open space, that water would be absorbed back into the eco-system more efficiently. That is why I think it is very important that while we work these problems through, how we make sure that we not negatively impact single family home owners that we push forward with our L.I.D. because it is even more important in a community a highly developed community like ours with all the problems that it presents.

Chairman Zelek: I see your point because we are still highly developed L.I.D. and there is a tremendous benefit to implement this

Comm. Cassasanta: Again, there is no reason that this moratorium or whatever has got to be done will impact the commercial development - we can still move forward with the larger commercial developments and say, you know, these are the - it is only going to affect redevelopment of existing residential properties.

Chairman Zelek: My thought is the statement needs to be very brief that the Conservation Commission is concerned regarding the moratorium with tremendous benefit in L.I.D. because we are so highly developed residentially - there is a benefit there - and recommend that if you do implement a moratorium that it be brief as possible and that you get your solutions in place as quickly as possible so that L.I.D. can be implemented

Comm. Cassasanta: Absolutely, and the only thing I might add is I will give a hat tip to the fact that we recognize the impact that this would have on single family home owners in respect to what they are trying to do in the long run of trying to make sure that L.I.D. gets implemented in the best possible way to give us the best possible result from the changes we are making.

Chairman Zelek: Chris, has it be shown that this discussion of L.I.D. is going to be acted upon at the next TPZ meeting - you don't know if it is on the agenda yet?

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Chris Greenlaw: No, I don't, the last time and again, this was verbal, and I was told I thought they were working at a January date for a public hearing on this topic.

Chairman Zelek: Will there be additional time for commissioners to submit comments if there is going to be a public hearing.

Chris Greenlaw: I will definitely get back to you on that - I will get back to everyone of the commissioners on that and can solidify the dates and time and solicit the planner and forward that correspondence to you as part of the best answer for his time line.

Chairman Zelek: So with that said I will table this for now and in the meantime we come up with our proposed wordings and if there is going to be the opportunity for a public hearing we can submit our comments to TPZ during that time, so that allows us a little bit more time to work out the particular wording.

Comm. Paskewich: I would like to speak to Vice-Chairman Block's comments on - he started to speak to a draft statement and I would like him to continue with that.

Chairman Zelek: So we should submit our comments to Comm. Block.

Comm. Block: One thing I noticed is that procedurally that they will close the public hearing that same night and I really would not want to miss the window, so I would like to propose is that if people can get their comments to me by Sunday, so I can consider them and put out a draft and put out a draft to everyone and then have something in hand to make sure that we don't get left out.

Comm. Paskewich: And if you would like to e-mail out what your further draft may include -

Comm. Block:..that is what I would do. I don't know how this response will do.

Comm. Igielski: It is my recollection that we have been advised against a commission member sending e-mails to all other commission members.

Comm. Paskewich: I thought that was only to do with case law.

Comm. Igielski: In the interest of openness to the public could be perceived as something as trying to be hidden when in fact it isn't.

Comm. Block: Let me avoid the issue - you will send me your comments and I will put together a draft and if there is any issue I will ask for a special meeting, so does that work? So if there is any real divisiveness we will have a public hearing on it, otherwise we will be good to go.

Comm. Clark: I would like to state I think the idea of leaving it a possibility for a special meeting open is a good one because obviously we are all very interested in this topic.

Chairman Zelek: Can we have volunteers for a special committee for the wording for this document to put before the TPZ, so we have Alan on the subcommittee, Deb and Commissioner Block and are there any other commissioners wishing to be participants. We will table this for now. Chris, is there anything else for L.I.D.

Chris Greenlaw: The only thing I want to find out is I will verify with the planner and verify that date so we do not miss the train on it and have your opportunity to speak.

Chairman Zelek: So we will table this item for now. Moving on the next item.

B. COMMUNITY LITTER PICK-UP

Comm. Krawiec: Nothing to report at this time.

Comm. Clark: We have a meeting scheduled in January.

Comm. Block: Is there any need for this to be continued as an agenda item.

Comm. Krawiec: We do have meetings on an ongoing basis and we are discussing several initiatives so I see it as relevant to the agenda.

Comm. Clark: I agree, Commissioner.

C. NEW INITIATIVE VERNAL POOLS

Chairman Zelek: I have nothing to report other than I did have a conversation with Alan asking for his assistance in driving the initiative a little bit more since I have been kind of busy with other things.

Comm. Paskewich: Yes, I would be more than happy to pursue that and have gotten more notes together and at another meeting I will bring something to the commissioners regarding progress.

Chairman Zelek: Thank you.

D. INVASIVE PLANTS

Comm. Clark: All I would like to say is I took a walk through Churchill Park and I think if we did want to focus on one area I would like to - and it may take me six months - really look into how you get rid of those phagocytes in that location that is so visible to children and everybody who is walking through to try and learn about nature, I think it would be interesting to target that particular area as our first area of concern and I can look into that and talk to the basic plant working group. If we try to keep something small, I think that is the most visible area where we will reach out to grab you, so I would like to tackle that

Chairman Zelek: Chris, would that be something that Parks & Rec maintain?

Chris Greenlaw: I think there are two things, so you are going to have someone come and speak to us on this topic, first?

Comm. Clark: I will just contact Donna Ellis and just see how you would just pick a relatively small - an area of what you would actually do to target a specific area of phagocytes is that a small bite that you can take on - can you get your working group to help us with that particular thing, what would it cost, how much volunteerism would be helpful in that location and there is a little pond near there that maybe you could focus on trying to reclaim something once supported wild life and does not anymore, so...

Chairman Zelek: And then if we do choose that as a site or some other site in the Parks & Rec. system and if they have any concerns, how do we proceed.

Comm. Block: I heartily endorse that; I would also like to suggest that in Wethersfield there is an area known as the 1860 reservoir which at one point in time was totally filled, I mean you could walk on it, the ducks could walk on it - with aquatic vegetation. It is no more there. And in trying to accomplish this same type of control goal, I also was able to solicit grants to put into effect an experiment a control program that is for a period of about 10 years improved the condition of that area significantly. At another time we got a grant for a dredge, so what I am saying is that yes, the first step is to research what is available, but please, if we get our teeth into this, let us see if we cannot actually get funding and get that area cleaned up. It has been a detriment to our community.

VIII. PUBLIC PARTICIPATION ON NON AGENDA ITEMS

(inaudible participant's name and address and comments are inaudible - she did not speak into the microphone) (She repeated same concerns as first public participation comments)

Chairman Zelek: Chris, does your department keep a list of chemicals that they are using?

Chris Greenlaw: I do not want to speak for exactly what they do as far as their MSDS and their training of personnel, but I would go directly to those departments and put in a phone call to the superintendent of Park and Recreation and the superintendent of the Highways and exactly as suggested here tonight, ask them as far as information protocol.

Chairman Zelek: So your suggestion is that the public should go to that department head?

Chris Greenlaw: Sure. Engineering does not maintain that but each department is probably responsible for keeping an inventory. Here in Newington, we have a system where we have all the departments that are equal as having department heads, so go right to the source, go right to the superintendent of Highway and Park and Rec. and you can go to the Town Manager and he will give you an organizational chart and each department head.

John Bachand: Not that I need another cause but I think what she was asking you was not unreasonable and I do not think telling her to go to department heads is a reasonable response in this day and age and there probably should be a clearing house and a list of every single chemical and compound that is put on our public property and it does not seem unreasonable and I know in the past we have been told that the department heads are overworked but I really don't think that is a big deal, you send them a note, you say put it down on a list and we want to make this part of information, I do not think it is a big deal, again, in this day and age it does not seem to be an unreasonable to get the inventory. I would just like to say when you talk about the L.I.D. as long as you stopped talking about it I would just like to ask a couple of questions.

Chairman Zelek: It is not on the agenda.

John Bachand: Another question Mr. Arbur had raised his hand and I guess it is a process where you can request to speak out of order and can you explain that process because I am back here and feel like saying something.

Comm. Sadil: I can explain that. There was a public hearing and people can come in and step to the microphone, in a way the public hearing was open at that time and was not closed.

John Bachand: Is there a process during these meetings when it is not public time to request a chance to speak because a couple of times I have spoken out of turn and out of order. So the last thing I would like to congratulate the elections and thank Mr. Block for his service and also to acknowledge the valuable asset that Comm. Igielski is to this commission, I mean how many times you refer to him to straighten out these questions that no one else knows, it is an incredible asset. Thank you.

Chairman Zelek: Would it be unreasonable to indicate to the Town Manager that the public has come with concerns and we would like to have some type of a list to give to them.

Chris Greenlaw: There are all different ways you can go about that - additionally there is the web site as far as the departments and contacts that you could go there, but if you feel as though that is not a fruitful exercise in obtaining the information then certainly you can - and another item I like is that the blight form that you have, you can send that in and the corresponding department will reply. You have, just to reiterate, the citizens' alert where you can log on line and ask questions and that is kind of a use of the term 'clearing house' where they will come in to the appropriate department to answer that question and they send it to that department head and that is a third thing. So, we have 3 options that I know of right there, and if you are dissatisfied for the level of service or time period -, definitely send your comments to the Town Manager but I would utilize one of those three avenues that I have outlined and perhaps if anyone knows of any others but those are three avenues and it should be on the web site and certainly the key words get you to the department head - I would observe the web site.

Comm. Krawiec: I looked at my notes in regards to the public hearing for Saputo and I thought it was mentioned that at the next meeting if we could provide a public meeting that there could be an extension granted so that this could occur - Did I write this wrong in my notes and somebody help me out here. To our citizens concerns, it is an option or was an option

Chairman Zelek: It was an option, unless it had a significant impact.

Comm. Thank you for the clarification.

Comm. Clark: My comment is I would encourage citizens to pursue the avenues that were directed by the Town Engineer and report back to us what kind of feedback he got, I think to ask staff to do the research I think somebody might not be able to do in the capacity of this time frame but I think it would be very interesting to hear what kind of responses you got when you went to the people to answer one of these questions. The town engineer's job is to direct you to the departments which he definitely did and I am saying we would be very interested to hear what kind of experience you have or if you were treated well and were you given the information that you want and then you refer back to us and if you are interested in the environmental impact on the town, we can then take that information and say, we are very interested in the public being respected and we would like to hear if you were respected and if you got the information that you desired.

I know what the town engineer has on his plate and I do not think that is his purview. I think for example Parks and Recreation - if they are the ones spraying insecticides on those properties those would be the people who are in charge and they might have that information.

Chairman Zelek: Thank you, Kathleen. Any other public comments. Seeing none, we will move on to the next item.

IX. COMMUNICATIONS AND REPORTS

A. Northeast Utilities Substation Site - Garfield Street, Paving operations, Regulated area.

Chris Greenlaw: Mr. Chair, would you like to lead into that topic or would you like to hand off to the commissioners.

Chairman Zelek: As your chairman, I want to be totally transparent and I was approached by the Mayor and had a discussion regarding Garfield Street and what possibly could be done. My response to the mayor was that the solution would have to be approved by the commission (coughing directly into the microphone blots out wording) so if we do want to respond in any fashion we will need some type of engineering response regarding remediation.

Chris Greenlaw: That remediation - we had abridged this issue in passing on a couple of other issues and I asked you to elaborate on that and the conversation was that the chairman believed that when we say "remediation" what we are looking for is something beyond an engineer solution or a cooperate effort with an engineering solution si to have someone of similar capabilities and not the same person that held us with their stewardship with Mill Pond Park so the town has drafted a request or a proposal to assist us with what we are offering the commission to do an application at this time for the Garfield Street parking areas and a cooperative effort where Engineering would do all the ground work, they do all the surveying, do the plans and under the stewardship of an environmental consultant we will look for a proposal to have a consultant to come in and assist us with dedicating whatever type of possible pollutants and/or the footprint that was within the upland review and give us a report as far as any possible impacts to the wetlands and ultimately help us put forth a plan and represent us here at this commission for you to make a finding of the fact and ultimately vote and approve and make recommendations as needed, that is what we are looking at.

Chairman Zelek: Any time frames when we would like to see that...

Chris Greenlaw:...pursuant to our conversation I actually put forth an e-mail requesting that proposal and I am awaiting a response.

Comm. Block: Forgive me but as I had understood this, the DEEP signed off on Northeast Utility's remediation efforts on that property and the town had agreed to seal it to use for parking; is what has transpired changed this to remediation.

Chris Greenlaw: That by far is as I reported, a very convoluted in what could be a legal question. The report itself, as I reported to you, is a thousand pages and I think the fact that it is a utility property that is owned whether they are federally pre-empted, etc., are questions that aren't quickly answered, it is going to eat up time and, at the end of the day, to maybe find them exempt whereas if we put that effort forth into an application, a peer review, that really speaks to the fact inadvertently this was done, this activity and now we are going to put forth a remediation plan, everyone believes at this time that this the best foot forward, the best effort to address the activity in the upland review and have it come before this commission.

Comm. Block: If this proceeds I am going to end up looking into it a lot further but I will tell you this that if this is a matter of legal issue of responsibility between the state, the feds and Northeast Utilities and this town puts a shovel into to disrupt whatever is there, then you are buying responsibility for the whole mess! And I would be vehemently opposed for this town doing anything to buy into that pot of poison, or whatever it is. If the feds and the state think it is cleaned up (continued background coughing into mike) then it behooves us to seal it and use it and not be responsible for it and I will look farther into it, but you are opening up a nightmare here. You touch that and you accept responsibility for it in any way, shape and form, so I warn you, that sounds hard and dangerous.

Comm. Paskewich: It is getting more complex by the meeting on this issue and I am not sure where we stand and that is why I am asking the question on nitration on properties that have for our own federal or state agencies and I do not know if they are exempt or we should pursue that and find out whether or not it is exempt to do what they did and they are entirely responsible themselves for what they have already done, or is it us taking mitigation on the process. I'm not sure if that opens up the question.

Chairman Zelek: So we have identified the risk of runoff and so do we see it as it is and do not use it for anything or do they come in with an engineer solution capturing the runoff and have no vehicles park there.

Comm. Paskewich: Would the town be doing that, bringing in the engineering consultant. My thinking is can we request the federal agency or the state agency who is responsible to do that.

Comm. Block: Let me clarify something if you are talking about paving it and doing something to treat the runoff on the surface, fine and dandy, but if you are talking about throwing a shovel into the mess that is in the ground, I would vehemently be opposed to that. If we cap it, and accepting responsibility to the runoff to the parking lot, what we are doing is regaining a separation between what happened in the past and what is happening in the future during our use of it.

Chairman Zelek: I recommend that (coughing) rather than paved, that it be dome shaped and it is evident that there is going to be runoff.

Comm. Paskewich: Surface runoff, happily we accept responsibility for but if somebody puts a shovel in the ground, that is what scares me.

Chairman Zelek: It depends upon what the insurance scheme is.

Chris Greenlaw: Comm. Block I was not part of the conversation the Chairman had, but the understanding from my boss obviously was, the communication was everyone is aligning themselves and we want to be very forthright by saying we acknowledge this, we accept the responsibility of the action that was done and at the end of the day what we feel is best for the town and everyone is to mitigate the foot print that is there without looking to invest a lot of time to come back with a lawyer's opinion to say that 'hey, at the end of the day they are exempt' because who wins here at the end of the day, you have a paving that sits in the upland review, that is the proposal.

Comm. Block: As long as the investigation and the consultant has to deal with the surface runoff it is fine and dandy, it is the issue of in any way, shape or form accepting responsibility for what is under the paving that is a nightmare, so as long as a distinguishment is made absolutely clear that we are not interfering with whatever prior releases, approvals, permits that have been issued by the state as to the prior remediation of the ground water contamination, etc., fine, I just want to make sure there is that white line barrier between what happened prior, previously and what is happening with the town's use of the surface.

Chairman Zelek: Did we ever get the answer to the question is that site totally cleaned or is it still polluted and just capped?

Chris Greenlaw: The best answer that I have from everything I read, everything I received and everything that was divulged to me from C.L.&P. was that DEEP - I have an e-mail from them - stating that they were discontinuing their monitoring wells because they were within limits and the answer is that the modus operandi with the federal government is that you submit a plan and you tell them how you are going to go about under that grievous task and in accordance with the task and toxic substance yahta yahta, they approve of your plan and then at some point in time (background coughing) there is a report roughly 1,000 pages and most of it is testing and you send it in and how it works unless there is a problem they do not contact you, you have complied because they approved your plan and that is where we are, even getting an answer on that - that is the implied answers.

Comm. Block: Let me give a very clear answer to the question as well. If that is what they want to do, you don't want to disturb them

Chris Greenlaw: This is why I handed everything over to the town attorney. This is well beyond me, I mean I had extensive conversations with C.L.&P. they were very patient and with correspondence and I showed everyone here it was like a battleship map of 100 cubic yards of PCB laden materials. I did not find, you know, I am not going to argue the point if there was a federal permit, a state permit, a local permit when they did all that, it is amazing, the preponderance of everything they did there and gutted the site, but, at the end of the day the rules are the rules, you are the commission in power, we acknowledge there is a footprint, there is an activity that was done and we are going to own it and we are offering that we will come in with a full application to remediate this.

Comm. Block: To remediate the runoff be absolutely clear in every word you say you don't want to accept responsibility to remediate this site.

Chris Greenlaw: Mr. Chairman, if I may, what I am looking for is consensus of this commission whether you want my department to pursue garnering a contractual agreement like we did with Mill Pond Park with a consultant and have them work with us and develop a plan that you will review here with recommendations and comments, hopefully approve, and then implement.

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Comm. Igielski: Who currently owns the property?

Chris Greenlaw: I would say in a general sense, Northeast Utilities.

Comm. Igielski: Based on that question for the town attorney would be the ability of the town to come to this commission with an application on property that is owned by the town.

Chris Greenlaw: You are certainly correct and the application would be a consent by the owner to work on their property.

Chris Greenlaw: And they would be retaining ownership of the property also, so all the i's would be dotted and t's crossed, too.

Comm. Block: Having a lease right to the property and if there are any recommendations for remodeling or developing.

Comm. Clark: I would just like to say there are wetlands in this town with specific definitions and I went to look at that over the weekend and it is so lovely there, I could not believe it. There was a kingfisher, there were deer running through on the other side but I think whoever owns it maybe to fix is not that difficult and I do agree with Phil that it is making a mess of garbage going into an attractive wetland, it is vital and attracting wild life, this is just one little slice of what is going on there that we can see with our eyes, and I think we need to protect it and I think the lawyers have to start the process.

Comm. Krawiec: I heard in Chris's report that all parties were in agreement to provide some type of remediation so that we should receive all of this in writing; this might protect us to Comm. Block's point so that we are protected what we are responsible for, what they are responsible for and we move forward to make the remediation.

Chris Greenlaw: The agreement you are speaking to is the manager of engineering and we have an agreement to start the work on the property and that has to be revisited. If I get a consensus from the commission and get the charge to move forward and force a remediation application I still have to let the town attorney revisit the agreement and adjust it such that sign the application and apply what you said to work in the end as Comm. Igielski so diligently pointed out.

Chairman Zelek: So you are looking to this commission to say move forward with application, what are our options here? We can say "no", just leave it alone, do not touch it, don't use it for anything.

Comm. Block: I would like to propose a motion that this commission endorse and do an investigation as to the treatment of the surface runoff of the area.

Chairman Zelek: I think the application should come to us and I do not think we should be proposing anything.

Comm. Block: We should receive an application for treatment.

Chairman Zelek: I think we just need a consensus of the commissioners if we want to see that application come to us. Everyone is saying yes. The commission desires this. (tape ends)

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Chris Greenlaw: What I am looking for from the commission is green light - go - authorizing me to prepare an application to solidify a contract in due accordance with same process to have the same tasks and keep to the same points as far where are we, the question that the chair has is, you want me to incorporate specifically the question can a plan be developed to not only remediate the foot print but also mitigate pollutants from a certain type of use such as from a parking lot at their recommendation to incorporate that type of use.

Chairman Zelek: The town needs to tell us what they intend to use that for and you are telling us it is going to be used for an impound lot then that is what we want to see remediation and runoff.

Chris Greenlaw: So to incorporate a narrative and clarification of the use at the end of the day I cannot tell you that.

Comm. Block: So again as Jeff said, remediation of the runoff and not remediation of the site.

Comm. Cassasanta: Mr. Chairman, just one quick observation based on Garfield Street, are these general problems with these substations that all of them are suffering from high degrees of pollution because of the activities there?

Chairman Zelek: I cannot answer that.

Comm. Paskewich: I do not think we have the potential to answer that.

Chairman Zelek: Any other questions about Garfield Street?

(No)

B. Hunter Development - Pre application meeting

Chairman Zelek: This particular statute allows for a potential applicant to come before the commission and present in a non-binding way to understand concerns that you may have so that they can prepare when they do come for a full application, again it is a nonbinding presentation.

Chris Greenlaw: The only thing I will add is that this is an entity that approached a current developer who has a current site and looking to possibly have an agreement so they are trying to test the waters and they want to see what is really going on as far as a litmus test - they have a proposed development and when they first approached the town, I raised my hand and introduced myself as the engineer and I said you have a current site in primarily a town that has a high level of interest and I would recommend that you come in and have this informal discussion, dialogue and your charge is obviously wetlands and at a meeting like this there may be a couple other questions that you have that will definitely discussed so at the end of the day, there is no formal application on the table. They may go away. This is an opportunity to have a dialogue so I leave you with that.

Chairman Zelek: Chris and I spoke about this coming before us and my question to Chris was we limited in our questions to the presenter specific to the wetlands; my feeling it is open not just focusing on inland/wetlands; we also as the Conservation Commission, we are all also citizens of this town and there are concerns and there are the concerns regarding the development of that area that we are all aware of that we can share with the potential developer.

Comm. Paskewich: Is part of the presenter's discussion tonight, are they going to present the visual/conceptual drawing?

Mr. Michnevitz: I have asked them to.

Chris Greenlaw: Yes, I have requested that in anticipation for both consultants actually, so I am waiting to see.

(Intermission)

Chairman Zelek: I call the meeting back to order. The next item on our agenda is the developer's application and is the presenter here? Please introduce yourself.

Mr. Michnevitz: My name is Nick P. Michnevitz of MBH Architecture and with us today we have a couple of engineers to support or answer any questions that you may have regarding this application. Just to give everyone a brief, little overview on this parcel, this is actually a revised application. This current parcel here that we are talking about - this current parcel that everyone is familiar with has been under development is basically on a holding pattern and it is going to render a reapplication in a new, different development here. What is going to be happening on this site is a senior living community that is going to be erected on this parcel in lieu of what the previous application was applied and approved of, previously - there was a gas station, hotel space - so with that, this is sort of an aerial view, a little outdated, but it is the most current one with the existing conditions. Our primary focus for everyone here on the commission is really a focus on this particular property here is the perched wetlands up in this area. So, right now our intent is basically for the development of the building which would be over in this part of the site is to avoid any construction of any building foot print, any over hangs, or any disturbance within the two buffer zones, 50' and 100' buffer zone and our intent is to basically keep the wetlands and the buffer zone intact, with vegetation. So, with that, I just want to give you a little bit of some visual diagrams to show you what are anticipated development will be on this site.

In this diagram here, so, the blue indicates the actual wetlands area, the red zone is the 50' buffer and the sort of tree like symbols - you know, the actual vegetation that is currently out there - the aerial view - this mapped out line is the 100' buffer. So, what you will notice is this is sort of the outline, a part of the senior living development project that is currently under design. The details still have to be vetted and worked but our whole thought process is to make sure that for this commission, that any building would be outside of that 100 foot buffer. There are a couple of exceptions here to that, and actually sort of fits in with the commissions' regulations and as part of this senior living development, we do have some paved driveway that is within the 100' setback. We have a couple of minor walking trails which would be nothing more mulched trails and a little bit of a pole house, which is essentially a green house but with no footings, nothing that could penetrate the ground, so it is basically a floating building.

And within the 50' and 100' buffer zone there would be these raised planting beds, so the reason why I am paying particular attention is this is a significant service, or amenity to the senior living community - is to provide outdoor space, gardening space, so that you can grow your own food and obviously use that as part of their meals, but also to be able to have these walking trails around, a pole house, green house and planting beds and again, we are not dealing with any impervious material, again, I am sort of following the commission's regulations in terms of trails, within wetlands. I will show you at the end of the presentation that it is much different in this application as opposed to the previous one, is that we actually have much less disturbance within these buffer zones and a lot less paved areas within these buffer zones.

This next image, as we move forward with this project, the intent is sort of to create a 3-D model of the site and the buildings so that we can get an understanding as to how the topography, how the water will flow and where the perched wetlands is situated relative to the building, so this is giving you again a little bit more thorough idea- here's the wetlands, the 50' buffer, the 100' buffer and again, a building outside of that 100' buffer

Comm. Block: Is this boundary here - the Berlin Turnpike - were the lands not indicated - is this the boundary line.

Mr. Michnevitz: This is actually the property line here and there is a property line along Cedar.

Comm. Block: So the building extends to within what? 50' of Russell Road.

Mr. Michnevitz: Yeah, there are some setbacks, you know, that we are bound by - yes, there is obviously a 50' buffer from the property line to the edge of the building. You know, we have not defined - well, this is to show we are defined the actual footprint relative to the wetland side in that we will mandate and adhere to looking forward and we are still trying to work out the amount of units, the type of units as we program this building and working with the Town of Newington to really see what the best service is and what the best unit types would be most beneficial to the community, so that is still underway. But again, the diagram is really to show you our map footprint of the building and obviously everything inside will be developed later on. As we model this site, we will give you a little bit of a clearer indication again, that the high point of this site is the perched wetlands and again, the 50', or 100' buffer and that has landscape here down to the corner. Further into the development this will get refined.

Comm. Paskewich: Just a question, looking at the building conceptual, how many stories is this perceived to be?

Mr. Michnevitz: This is essentially about a 4 story building.

Comm. Paskewich: Including the basement?

Mr. Michnevitz: There is part of the basement that is walk out for a small portion and this part of the side facing Cedar Mountain. It will have some high windows and a regress requirements as part of the stair, that comes out a grade, but essentially is probably maybe 20% of that basement area is exposed to grade and this little portion here it may be perceived as a five story, but it is really conceptually a four story.

Comm. Paskewich: So it is a flat roof?

Mr. Michnevitz: No, it will be a pitched roof, we had a lot of renderings and our goal is to actually mimic the vernacular of the community of Newington, so we are dealing with clapboard asphalt shingles and make it residential. This is not an institution looking building in any stretch of the imagination, so I know we are showing a flat roof here.

Comm. Cassasanta: I just have a quick question, that previous map, if I am correct, the impression that we are looking at, nothing on your property is draining towards the wetlands.

Mr. Michnevitz: Correct.

Comm. Cassasanta: Okay, I just wanted to know, that you verified that.

Comm. Sadil: Have hydrology studies been done?

Mr. Michnevitz: Yes, all the studies were done as part of the previous application and those are being refined as part of this application

Comm. Sadil: So the question I had is that the previous applicant never came in for a permit.

Chairman Zelek: So, do you recall the prior application that was approved in 2006-2007 and does the presenter have a history to share?

Mr. Michnevitz: I am not that familiar with the previous application at that time.

Chris Greenlaw: It was roughly around 2006 and you know, of course, like anything else we have the applications, the documents, etc., etc., and I wasn't going to interject at this time, but one of the things I was going to mention is that - discuss also the similarities - you have used the same access to the driveways so that impact to the upland review is almost identical - I will say that - and you were trying to utilize that. In concert with the original approval, I just wanted to point that out but again I am talking ahead - anything the commission wants to see, anything that the applicant wants from our files in the records and we can look that up.

Comm. Block: I am a little bit unclear on the use of - are these living units or are they individual apartments?

Mr. Michnevitz: It is sort of a mixed bag. There are independent living units with one and two bedded units and vary in sizes from 800SF to 1400SF and that is probably 47 units The next tier level are assisted living units. There are some studios, but primarily one bedroom units, between 600sf-800sf and there are many different sales or lease deals made to buy into the units. There is also a memory care unit for those individuals who have early onset dementia and need those support services, but again, it is all assisted living based. This particular building itself is residential use, it is not institutional use, it is not a skilled nursing facility or hospital, it is purely an independent assisted living facility. We are looking at a range of about 230 units.

Comm. Block The coverage of the area is quite a bit more intense than the prior application and particularly as far as your parking and access of - I really don't have any idea myself as to how many of these employees are going to be using vehicles.

Mr. Michnevitz: I don't mean to interject, but I do not want it to go too far down the road, in actuality, what we are developing - the foot print of this building is taking up less real estate than the previous application, so there is less site coverage with this singular building than all of the other pieces put together. There is also less parking here. The parking regulations here really stipulated by staff - the residents here, a few of those will have vehicles so they are going to sit there parked and eventually the tires go flat, so there is minimal traffic out of here and again it is all primarily staff, so there is less parking than the previous application but the other one was more retail.

Comm. Block: So it is an optical illusion as far as the coverage.

Mr. Michnevitz: Correct, when you see little bits and pieces spread out and it looks like it's not, then when you see it all together it is a little bit different, plus what you are missing again, this is a little premature. There are actually open courtyards here, on the center, up here. There are two court yards that are probably around 10,000 SF so again, this just sort of gives you a false representation which we will be showing in the application process

Comm. Block: One of the things that we will request at the formal hearing, where this is again wonderful, I have always been convinced that there is still a significant run off this way.

Mr. Michnevitz: No, it would be impossible because it is sort of a little high and then it is low here, so anything is going to run this way and down. This is high and then it is running down this way, so there really isn't anything that is running here and running over to that way.

Comm. Block: I am going to be questioning you people carefully because one of my original concerns is that after this is developed, that perched water table is going to be strained It is going to dry up and I would like to really do everything I can to make sure that does not happen.

Mr. Michnevitz: And our intent is to make sure that does not happen as well and one of the things I want to call your attention to is this final slide here is where basically this building is going to be at grade and worked within the existing topography, so where the previous application had more cutting and in the previous application we weren't referring to any blasting, but there is certainly more cutting in order to make this roadway system work in here to get in back of the building in our application. I just want to focus on three important items represented in this slide. This is the previously approved application where again the wetlands with a 50',m a 100' buffer. This sort of read area, shaded area defines the amounts of paved area within the 100ft and there is more paved parking lot also covering the 50' within the 100ft, so you can see all of this paved area. In the grey here was cut out much lower than this application. We are actually working with the topography, the first floor elevation will be at the elevation of the existing grade that is out here and you can see just the small sliver. This had 19,000SF of area where we only have 9,000SF of area of paved and drive within that 50 and 100 set back, so it is a significant decrease from what you would have seen built here if it wasn't for sort of looking at this parcel differently I thi;nk I said three things, but there are really two things. There is a reduction in paved parking and the fact that we are working with the topography and we are not cutting it back, so back in this area here where you are concerned about the flow and whether there is some shedding, water shed occuring up here on the site into the wet lands area, that is still going to exist. We are not going to alter that topography in a

so, there is probably another 60 spaces and all of you know is berms and tree bunkers and you know every 7 or 8 spaces will have finger islands with vegetative growth especially to shield that parking from Cedar Mountain. There are various options right now, so we do not have a definitive parking plan.

Comm. Block: Don't you think it would be easier to have access for that service from Russell Road?

Mr. Michnevitz: Yes, we will have an access from Russell Road and we will have an access from Cedar Mountain.

Comm. Paskewich: To the left of the proposed entrance and I am looking at the contour lines and it appears that it is very flat all across all the way towards the wetlands, is that correct?

Mr. Michnevitz: These are the one foot contours.

Comm. Paskewich: So what is the slope if you know, fairly flat?

Mr. Michnevitz: Yes, fairly flat and then it rises up a little bit right here as you get up to the wetlands, you know your steepest slope is obviously right here so the closer the lines are the steeper the slope so yes, there is a little flat zone here and it is a little flatter right here and this rises up and every 15'-20' it rises up a foot here, but yeah, there is a little flag and again these are contours.

Comm. Paskewich: The white area is adjacent to the bright red, that's the proposed paved road area?

Mr. Michnevitz: No, this white area represents between your 50' and 100' buffer extended wetlands. What we are actually showing here in this diagram is we are just modeling it - is this plan shows you that white area that you were referring to - that outline is this outline of 100 feet so you can see how much - our drive sort of sneaks in over that 100 in between the 50 and 100 foot. This is actually, you can see this is our visitor parking as we are starting to map it out, there is a front entry, this is a side entry to independent living and there is going to be an adult day care here so the vans and cars can drive up and drop off and leave the area park, so this is sort of a secondary entry, the primary entry is here and the secondary entry is here, there will be side access on a lesser road here in the back of the building which will be service and deliveries you know, to support the building, it will be in the back area.

Chairman Zelek: So do you need that secondary drawing at all?

Mr. Michnevitz: I think you do. I think it does the scale of the site and I am most certain that the fire marshal and fire chief would love to have a secondary access. I think what we would rather do is make sure that the deliveries and UPS and FEDEX trucks and the like coming up Russell Road into here as opposed to coming in and out of Cedar Mountain. There is going to be minimal traffic coming off Cedar Mountain. This will be for visitors and families coming to see their loved ones, staff and services will come off Russell Road for the most part.

any way that would reduce or otherwise manage that water course on the north side of the site any differently than it does now.

Chairman Zelek: Can you emphasize the surrounding properties and nearby wetlands - so there are other wetlands off site here, I would like to see those in relationship to this.

Mr. Mithnevit: We could look at that and I am not sure what we would gather that would fully or accurately represent what is there, and I do not know if you have any fully delineated wetland maps.

Chairman Zelek: You have our town wetland maps and Phil, if you will recall, the Toll projects, vernal pools, you know, very sensitive area up there, we have become much more educated regarding vernal pools and how they trap along ridge lines. I think when this application first came to us we never considered the science regarding vernal pools. If we need another application coming to us I would like to have an environmental study done to determine whether or not you have another vernal pool here and as far as the testimony as far what the impact might be on the proposed project. Regarding vernal pools I would like to ask you guys to educate yourselves and the standard we have been going by. With prior applications we've been quite concerned in presenting what is called the critical habitat for inhabited species and that is something if we do determine that a vernal pool that it is going to be very sensitive and I want to ask you to push as far back to that pool as possible

Comm. Block: You are showing no particular development around this area and I am just curious, I thought there were some requirements by the Fire Marshall as far as access around the building. Is this not yet reached in your planning?

Mr. Michnevit: It has not reached yet, I mean part of it obviously we do need to meet with the Fire Marshall/Fire Chief to discuss those, a couple of things, this is a totally noncombustible building and has fire features in here that are much more absorbent, they are actually more resident friendly and fire safe than the average building.

Comm. Block: I am not concerned about the actual fire issue; it is just a question of additional paving and disruption of the landscaping.

Mr. Michnevit: If anything, we can do glass pavers or we can do certain methods to get the fire vehicles behind there if so needed, but certainly we would not introduce any paved material back there, I don't think that would be...because then you are trying to deal with mitigating water and you are dealing with excavating the bottom.

Comm. Block: We are also going to be interested in getting access for your service vehicles, again, only in so far as effects the impervious surfaces, etc.

Chairman Zelek: Does it show the permanent parking - there is a small parking area here - where is the primary parking area.

Mr. Michnevit: At this juncture we don't - but what we have, we have that drive that is coming along the natural contour we are going to have a little bit so this is basically will perhaps be the front entry. We will have probably around 20 or 30 visitor spaces here and then we are going to have the staff and resident parking that follows the grade all the way down here and turns

Chairman Zelek: You can get the same type of service with the 100ft buffer.

Mr. Michnevitz: um-um (yyes)

Another thing that is much different on this application than previous is there was going to be a widening of Cedar Mountain Road, there was going to be a traffic light, entry, and turning lane and an island and so all of that has disappeared and this is just a 20ft wide in and out entry point to the site, so it minimized that whole traffic issue that would have occurred outside of here.

Comm. Paskewich: So will there be a queing lane for that particular area?
Or is it two lanes here on Cedar Street?

Mr. Michnevitz: There won't be a cue, no. There would be no need for a cue here.

Comm. Block: Is this a pavillion of some sort?

Mr. Michnevitz: This is - in this wing here is going to be where we have our memory care, so with early onset dementia and Alzheimer's residents, they need to have a secure outdoor area so these are going to be grass pavers, so there won't be any asphalt or concrete block or pavers so this is just a little outdoor area for those residents that is safe and secure and with a lot of the early onset wondering, it is a big issue so we did not want them to be able to wander outside and wandering around the rest of the property

Comm. Block: What is that?

MR. Michnevitz: That was a thought about if there was a little path that would step beyond and stop right at the natural vegetabl n so that the residents if they wanted to enjoy the landscape as they should, it gives them the means to walk amongst the trees and plant life and that is all that was simulating, again, it is noting that is paved, nothing that is permanent and again, it is more a natural type of trail. If a family member were going to take them out for a walk, okay, they would be accompanied by someone, they would not be wandering on their own.

Comm. Clark: Do yo have any concens about mosquitos and people complaining about what is natural there and pressure to use isecticides to control them.

Mr. Michnevitz: No there are absolutely no concerns and what is very unique about our clients is this senior living model is much different than others that are being developed. This is going to be a very, very sustainable building. I am on the Grimble Council here in Oconnecticut and a potential client contacted us if the materials that are being utilized, rain water collection from the roof gutters, the cisterns underneath the building could be used to water the landscape, so there is a whole sustainability component to it and wha is happening the the senior living market is that all these outdoor amenities are so important to the elderly and the marginal landscape out there is sort of from a picture window on the inside and has not promoted to bring the elderly outside, there is in fact that a lot of the healing and longevity occurs by being able to engage the residents in outside activities and that is the reason why we created the raised planting beds, the whole house and these trails, so there is no concerns about the residents and mosquitos, this is nothing than the homes that you are living in - some of them live by water courses, some with wetlands, some, you know again, this particular zoning is there a huge need in the Town of Newington and in previous discussions with the town - obviously the Town of Newington is going to be the first that is looking at these units.

Comm. Paskeiwich: You mentioned the green building console, is there a relationship to the console with Leeds.

Mr. Michnevitz: Yes, this will not be a Leeds certified building. Obviously being not a Connecticut building council, the need has been very remarkable but that also has a cost you know, to be practical about it - to dot the "i" and cross the "t" in every one of those price points there is a cost for the patent work and up front to get that certification. We will probably be 99% there in fulfilling those and there is actually one little check mark that is the most costly but we are looking at a very energy efficient mechanical systems that are being utilized here, sustainable materials, right down to the finishings, the carpeting, the fabrics, you know, all of that

Comm. Paskewich: So it sounds like you are nearing what would be looking at for product and lesser emissions.

Mr. Michnevitz: You know, ten years ago when the method to say that L.I.D. isn't popular now, what is happening is all codes and regulations and primarily the manufacturers are all on board, so they are now producing most of their product has some kind of recyclable, sustainable elements. There is a coined phrase, 'cradle the cradle' that you know product has been reclaimed and utilized elsewhere and brought back and repurposed and so when we develop this project further on we would be glad to give you a list of all of those materials assembled.

Comm. Sadil: What are you going to do with the storm water max overall, have you talked about that?

Mr. Michnevitz: Yes, there are a couple of things we are trying and we have done a series of projects around various communities and we were advised to reduce the amount of runoff and about the storm water going into the street, you catch and you catch so far, but what we would like to do is create rain water gardens and the shower areas that we have that use rain water, is to create these gardens that sort of enhance the landscape that have mitigated that runoff and it really is successful.

Comm. Block: Obviously I think that part of that is due to utilize whatever collection you may have to recharge the wetlands as well. I don't think we would be amiss with that as long as it is obviously clean water.

Mr. Michnevitz: Yeah, we could certainly do that. My only concern is to get it up there and we would have to pump it and we do not want to have to trench a conduit piping up there to fill it. I am just trying to think of a practical way to do that, since it is upland there is really no way to get it there. The only way to do that is to dig the building down which we do not want to do.

Comm. Paskewich: You are also retaining the vegetation around the wetlands.

Mr. Michnevitz: If the commission here is promoting to being innovative and doing something like that, we would love to tie the landscape in to the way we are going to be collecting storm water to aid in that and if that is something that the commission would like to see done, we could develop something very safe and very carefully and maybe it is a siphon effect so it is a natural.

Comm. Block: We would be very appreciative of that effort.

By the same token if there are invasives up there anything that would accomplish remediating that would also be greatly appreciated.

Mr. Michnevitz: I do not know without doing some studies. The wetlands survives on whatever are the natural surroundings and the amount of rain water that comes and goes. We could also look at it and make sure that we won't be in the situation where we are dumping too much water in the wetlands where it closes banks and creates some kind of an erosion so we just have to do some calculations and make sure that we are doing a little but not anything tjat could...

Comm. Sadii: There were a bunch of plants that could cut down on the foot print but I have seen studies where they made covers.

Commissioner Clark: The current prepping on the site, was that done with the original plan in mind and have you planned to do something with the gigantic dirt piles that seems right at the endge of the vegetation and I just wonder what your comment is on that.

Mr. Michnevitz: I think that the site where it is is still in its stages; I don't think the site had been fully excavated to its original location, so that is a good thing because we don't want to do any more excavation, we want to leave what is there. The dirt piles that you see there are primarily the dirt and stones they uncovereed in the excavation and they will process that and use that for special fill, which is patterned by the whole sustainability concept. You do not want to truck that stuff off site and you use what you have on site and use it appropriately.

Comm. Paskewich: Is that your intent also - are you going to use that material for structural fill?

Mr. Michnevitz: We will, once we get a reading and we will have to see if it will support the capacity that it may leak, it may be for a subsurface or parking area, so the intent that I understand is that mounds of dirt will be utilized for a reworking of the site for this application.

Comm. Block: When are you going to have responsibility to the site, control of the site? Whe will that occur. or has it.

Mr. Michnevitz: Control in terms of the operator?

Comm. Block: The existing condition of the site, like we said, it is a raw wound now We have the winter upon us, and with snow and rain, there is the question of erosion control.

Mr. Michnevitz: IAlong with the fencing and erosion control maybe the mounds of sand and dirt could be possibly covered so that does not erode over the winter The attempt here is we would try to move it as quickly and expeditiously as possible.

Comm. Block: Isn't that your responsibility now?

MR. Michnevitz: I think we would have to have a discussion on how we can deal with that with the previous owner.

Comm. Clark: You can see the fence opposite Russell Road and the dirt pile that is next to the Humane Society site - I work at the Humane Society, so I see this dirt pile every day, again, I do not know if you can see vbehind but there does not seem to be any evidence of fencing on the north side of the property.

Mr. Michnevitz: We wil address that and do the best that we can to try to support that concern.

Chairman Zelek: The way the site looks now it is kind of disturbing, is there any plans to reforest it or is it just going to be the building and parking lots?

Mr. Michnevitz: Absolutely not, we will show you later on here when we have our surface sealed - this is the parking, so these islands will be fully vegetated, there will be trees, native species, more important is the sustainability to this site is that we are looking not only locally but we are finding Connecticut natural species that will sustain dry periods. (tape change)

Mr. Michnevitz: So there is a turn here and this is for parking and for down here lower parking, and we will have a berm buffer zone combined with various species of everygreen and disciduou trees, lower tall grasses and the reason why we wsant to have a mix is that we want to be able to have the vegetatin as a certain aethetic in fhe four seasons, so it is not that it is all deciduous trees and in the winter months everything is barren and all the parking is shown for 5-6 months out of the year.

Comm. Block: Are you intending that this be naturalized so that it will not require maintenance?

Mr. Michnevitz: Our intention is to have as little maintenance as possible. So that is why we are trying to go with drought resistant and natural vegetation as much as possible.

Comm. Cassasant: Just a thought since this was really on the trap rock bridge system that runs from nortern Massachusetts down to the Long Island sound, might be something to look into that the type of vegetation is what is basically found in those microsystems because by introducing what would be natural vegetation, it might have a negative impact on the eco system as a whnole. If you getting a non-native in that particular eco system a berm hole in that area it will act like an invasive species and dry out native plants. I am saying not just native to Connecticut but native to trap rock ridges, just a suggestion.

Mr. Michnevitz: Absolutely, I appreciate that.

Chairman Zelek: There might be a hint to the name "Cedar" Mountain. Is there any conservation issues being proposed?

Mr. Michnevitz: We have not talked about it at this juncture, no.

Chairman Zelek: Do any of the other commissioners share any concerns regarding the buffer zones?

Mr. Michnevitz: Obviously it is a lot but it is down from the previous application.

Chairman Zelek: Attitudes have changed since 2006 and as I said earlier we have become much more educated and astute and sensitive to vernal pools so I do want to send you away with that and how best to protect those type of areas.

Comm. Block: By the same token, you have used the pre-existing layout to a great extent, I would suggest that you have a large naturalized water area towards Cedar Street that if you pull your access down further to the corner of the building where you say the entrance is going to be, you might be able to relocate that road outside the boundaries to your advantage, so I noticed the slope is steep there, I don't know if they are the pre-existing slopes or the slopes that are there now but if we could bring the roadway down here and utilize this area more as your access then bringing it up to here.

Mr. Michnevitz: I think we can make that work and the reason I am saying that is this flow system here and this turn around was for the adult day care which is both for residents that are living here and for those that are not, to share in the same programs, not to say that if we reprogram the building in such a way that we make that a double day care lower on the site here, we have to separate the entrances, you don't want to have the main entry of the building open to the public, you need to have a separate entrance, so we might be able to flip that entry way to this way to make it perceived as a five story which starts from about here over to this edge and then the grade rises up again to eliminate that.

Chairman Zelek: Is there any opportunity to open up the outdoor area for the patients on the east side of the building?

Mr. Michnevitz: We can - what is missing from here is the property line actually does this and this little triangle is the property line and we want to buffer this and this is where our service vehicles are so if we put this little patio area and they are going to be backing up a lot of vehicles and UPS trucks coming in and it really is not ideal, we tried to put it on the north side of the property here that is on the north side and you are not going to get any natural or direct sunlight, it will be in the shade the entire day.

Comm. Block: If you are able to move this area down to here, you are going to have all this here.

Mr. Michnevitz: You want us to move this farther away still within the 1500SF setback.

Comm. Block: If you have to, it is the best alternative that appears to me at the moment.

Mr. Michnevitz: Again, your main concern is that you want to steer away any activity from the high side

Comm. Paskevich: Speaking about the road and maybe I am jumping ahead but if you are working with the green building concept, has anyone considered a lighting that might be placed along that road and a lesser intense lighting that may impact the upland review towards the wetlands?

Mr. Michnevitz: Absolutely, my first thought, these would be cut off fixtures, we are not going to have any of that flood lighting concept, we are going to have law abiding poles but shorter so then to bring in the - you are reducing the amount of light that is permeating to the area, so we will be looking at that from a sustainability standpoint and utilizing more low lighting along pathways in certain areas than tall 20' poles that have a photometric criteria that fills up acres, so again this is going to be a "home" concept and so everything is - I know this is a fairly sizable building but again this is going to be more residential keeping the scale and street scape and all of that will be a more green scale.

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Chairman Zelek: Will the commissioners think about the lighting.

Comm. Sadil: Is it the dark sky? It is called the dark sky.

Chairman Zelek: I think we have heard that and have successfully argued that lighting was shown to have a negative impact on the health of the wetlands.

Comm. Clark: That's right.

Mr. Michnevitz: We will have some form of photometry's and make sure that the foot panels that are stipulated and those concerns regarding wetlands will be outside of that so I think it might be around 3 or 4 candles which is basically dim lighting at best that would be into the wetlands at all and if anything, you are not going to be able to reach the 50' buffer.

Chairman Zelek: Do you plan to use the closed outdoor area?

Mr. Michnevitz: That area for dementia? No. That is primarily why we have created again what you do not see is that we have two interior court yards here that will offer evening activities to be used by residents and so that way it is not exposed to the rest of the neighborhood.

Chairman Zelek: So your concern was the lighting of the parking lot, how about lighting along the building exteriors?

Comm. Block: This is going to be a breeding site and if these areas are all lit, there is going to be insects drawn to it, so you are going to want to keep the exterior lighting to minimum otherwise, you will be washing windows all the time.

Mr. Michnevitz: The only exterior lighting that we would have there is that we have an egress stair case which is also a rear stair case for fire safety that is on the back corner here and so we are required by state and fire codes to have a cutoff fixture again on the outside of that exterior door and then we will have low lumen bowers along that egress path to a right of way which in this case would have meant, to here, but we are going to push that lower down to here, so we could add every 3'-10' to 12' we would have 36" high a little bower just to give you basically all that you need in between 10 and 12 foot candles along the egress path. That is all the lighting and again, without doing any up lighting or any architectural lighting to sort of accent the building or anything or create any flood light on that side of the building.

Comm. Block: Aren't you going to have some exit areas over here?

Mr. Michnevitz: That is, well, outside - that is another 100 feet beyond the buffer.

Chairman Zelek: Is the primary entrance going to be off of Cedar Street or Russell Road?

Mr. Michnevitz: It is going to be off of Cedar Street.

Chairman Zelek: You said a total of 230 units.

Mr. Michnewitz: The total residents could be around maybe 250-260, again, it changes every day, typically in independent living, especially those with the 2 bedrooms, obviously they have a spouse or significant other, a couple of sisters perhaps moving in or brothers moving in together. But primarily, they are all single occupancy.

Comm. Block: You are going to have probably a total of about 400-500 of Staff, aren't you?

Mr. Michnevtz: No. We are not going to have 200 staff working in here, we may have 50-60 staff members during the day and at night it is less than that.

Comm. Paskewich: You mentioned a green house structure.

Mr. Michnevtz: We are calling this a pole house right here and the reason why we are referring to it as a pole house is that it is basically a light prefabricated green house that was demonstrated to match the building and it will have a glazed roof top but it is basically resting on the ground on a couple of blocks or poles, so we are not going to excavate the property, basically it is floating and so what you would have is this stone underneath this thing because the residents are going to be in wheelchairs and maybe navigate in here to prepare for the planting season for the following Spring, so you will do that all winter long.

Comm. Block: Is this going to be a working pavilion building?

Mr. Michnevtz: There is not going to be any electricity, any heat, so I could tell you maybe that they won't start planting anything until March or April, in there. This concept of planning is a natural environment - the criteria was allowable under these setbacks and your guidelines, obviously we want the residents to engage in this area.

Comm. Block: I appreciate your concerns.

Mr. Michnevtz: My pleasure.

Chairman Zelek: a few years back the town went through a number of public hearings because there was a plan of conservation development and it was an opportunity for the public to weigh in and how they want to see Newington developed and what it amounts to be in the future - how does this particular proposal fit into our plan of conservation development?

Mr. Michnevtz: I have been through that program, I understand the town's initiative and it is one thing that I found as a great tie in to this project is again the intergenerational community tie-in that this senior living complex can certainly have and one of the things that is now defined here and where we would perhaps down the road look for your guidance is as the town creates any trails along the adjacent property to allow that as a natural amenity to the community - would there be any thought as to commingling or providing a trail system, WE did this actually in South Windsor where we had the boy scouts with a bunch of trail clubs and state trail clubs where they come and look together to create these natural trail systems and it would be great to be able to make that connection to this site. It speaks to that whole concept of how Newington is sort of stipulating throughout that look so that is one thing I think would be a great, great connection and something that should be thought about.

Chairman Zelek: Thanks. I think we are all set. Thank you very much.

Mr. Michnevitz: Thank you.

Chairman Zelek: Kathleen and I attended a TPZ meeting and I do not have anything to report.

Comm. Paskewich: The next TPZ meeting is January 14, 2015.

Chairman Zelek: I just have one more item to report on in my search I did come across some more of this material that is used for baseball fields and I did word it to Chris it was at the middle school and appears to be east of the baseball field, they have been dumping some of this material and what I saw was a small amount, it is in the corner of the field next to the baseball diamond and I thought I would mention it to this commission and ask the commission how they would like to have it handled. It is a small amount and it probably can be carted out per recommendation of the consultant we had speak at the last meeting but I did want to mention that to you so that you can determine what we want to do.

Comm. Clark: There is a similar pile and I am not sure if it is the same thing in Mill Pond at the base of that little mountain, to the south of the bridge at the base of the little tiny hill, there is another pile of something that looks similar, just so you know about it. It begs the questions what is it and where did it come from.

Chairman Zelek: So I would not be surprised if this is being discovered around recreational areas but I think we do have now that it can be indicated to department heads so the recommendation as to how we should proceed with this and Kathleen's report.

Chris Greenlaw: You know, the first thing we do is we have to find it and substantiate, either way, you know if it is wetlands and identify it. Just like illicit discharge to a pipe, follow it, and who is putting it there and through the public works meetings, try to identify and go to the Board of Ed and pretty much like we did behind the bus garage, that is my first recommendation and then assessment of - do we know what it is, who put it there and do we know what it is and get a consensus from this commission what kind of action and desire we want to fulfill.

Chairman Zelek: Do you want to report back to us at the next meeting?

Chris Greenlaw: Yes.

Comm. Block: Can I suggest that this go to the department heads and we just let them -, we have the procedure based on the prior experience and as a matter of recourse rather than having to make a point out of it. It has already been resolved that stuff is inappropriate, and they know about it and they clean it up.

Comm. Igielski: I would only say that any of this material is within the inland buffered area with a permit to be prepared, so it is on record as to the whole story behind it, what it is, and how it was taken care of. If the material is not within the wetlands, just have an e-mail from yourself, Chris, indicating that this was identified by the Conservation Commission and would like a department follow up. With respect to cleaning it up, use standard practices.

Chris Greenlaw: If it is within close proximity to Mill Pond Park it is within wetland.

Chairman Zelek: Thanks. I think we are all set. Thank you very much.

Mr. Michnevitz: Thank you.

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Chris Greenlaw: Yes.

Comm. Block: Can I suggest that this go to the department heads and we just let them -, we have the procedure based on the prior experience and as a matter of recourse rather than having to make a point out of it. It has already been resolved that stuff is inappropriate, and they know about it and they clean it up.

Comm. Igielski: I would only say that any of this material is within the inland buffered area with a permit to be prepared, so it is on record as to the whole story behind it, what it is, and how it was taken care of. If the material is not within the wetlands, just have an e-mail from yourself, Chris, indicating that this was identified by the Conservation Commission and would like a department follow up. With respect to cleaning it up, use standard practices.

Chris Greenlaw: If it is within close proximity to Mill Pond Park it is within wetland.

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Chairman Zelek: I can't tell you if it is wetlands or not..

Chris Greenlaw: If that ^{is} something where it is the consensus of the commission and report it at the next meeting and provide a picture or what have you and show you and see whether or not it is upland review and not a wetland, whether you want action through an agent or you want a plan of action depending upon the severity of the result.

Comm. Zelek: I like the latter please.

Chris Greenlaw: Based on severity.

Comm. Clark: The pile that I see, it is close enough to the pond to be upland review but not close enough to the pond to be causing the problem. I think it is just identifying that there are habits in the past that were not appropriate.

Chairman Zelek: The pile I saw - just cart it out of there and education awareness.

Comm. Igielski: There is also the likelihood that it could be something else and in turn that would need to be followed up with respect to taking care of it in an appropriate manner.

Comm. Block: I wonder whether the cost examining it might be more expensive than dealing with it.

Comm. Krawiec: If you are going to remediate then we should know what we are taking care of and the other thing I was going to suggest is given we are finding this substance at various sites it is something the Parks and Rec should take on by site visits to all of their sites and do their due diligence and make this right. I think the community would look upon that as very positive action on their part to acknowledge that they are taking a pro active approach and being mindful as opposed to having citizens come here one by one, I think that would be great PR on their part.

Chairman Zelek: There was a question of who is responsible for the baseball diamond over at Wallace, is it Park and Rec. or some other department.

Comm. Block: I agree it should be cleaned up but on the other hand I want to say we are Newington, we are the tax payers and the more that we incur superfluous expenses the more we take responsibility. It shouldn't be there, let's get rid of it but I do not think there is a great need to have it analyzed.

Comm. Krawiec: With all due respect, given that we are charged with the responsibility to put this care of the wetlands ...

Comm. Block: ...in this particular case with this particular material, it looks like a duck, treat it like a duck, get it out of there, you do not have to search the anatomy again and again. That is all I am saying.

Commissioner Cassasanta: Why don't we wait until Chris reports back to us about what they find and then we go forward with the process at that point in time. We don't know what we are dealing with right now.

Chairman Zelek: That sounds fairly reasonable.

Comm. Paskewich: I agree and I also lost out where the location is and its proximity to wetlands

Comm. Clark: You know there is a path around Mill Pond. It is steps away from the path around Mill Pond. There is no danger of it being washed into the wetlands. If you are standing on the little mound you can see that the bridge is right near you. It might be just a pile of dirt. I would never have even noticed it.

Comm. Paskewich: Is it the slope adjacent to the soccer field?

Comm. Clark: Yes, it is at the base of that. Again, I never would have noticed it except for the previous incident.

Chairman Zelek: So I report the possibilities to me. Any comments by commissioners?
Motion to adjourn?

Comm. Block: I make a motion to adjourn.

Comm. Sadil: I second the motion.

Chairman Zelek: All in favor? Aye unanimously.

The meeting adjourned at 11:10 P.M.

Respectfully submitted,


Sophie Glenn
Recording Secretary