



NEWINGTON CONSERVATION COMMISSION

Tuesday, February 16, 2016

Meeting Minutes

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:02 p.m. in Conference Room 101 of the Town Hall.

II. ROLL CALL

Jeffrey Zelek
Andreas Sadil
John Igielski
Kathleen-Marie Clark
John Casasanta
Peter Manke
Alan Paskewich
Peter Arbur
John Bachand
Also present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes of the meeting held on February 16, 2016 are verbatim.)*

Chairman Zelek: I see we have one vacant seat this evening so I am going to appoint Commissioner Paskewich to sit in for Commissioner Block until he arrives. The next item is Public Participation of Non-Agenda Items. Any member of the public wishing to speak please come forward and state your name.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (EACH SPEAKER LIMITED TO 2 MINUTES)

Chairman Zelek: Seeing none, we will move on to the next item.

IV. ACCEPTANCE OF MINUTES

Chairman Zelek: Acceptance of Minutes of our regular meeting January 19, 2016. Any updates or modifications from the commissioners?

Commissioner Casasanta: Just a couple of minor ones. On page 18, yes, one, two, three, four, fifth paragraph down, Commissioner Casasanta's first line, so that there is, remove "a", the letter "a" because it is "a" and "an", it is minor and I just wanted to correct that. Page 19, I guess I was inaudible, second paragraph from the bottom, first line, I believe that gets to what we are trying, I think that what I probably said is get to in a way, so it was probably inaudible on the tape. That is all I have.

Chairman Zelek: Any other commissioners? Ok, I have two small updates, first page under Chairman Zelek, it should be seeing no open seats, instead of on seats and also on page 18, under Chairman Zelek, under Chairman Zelek, citing CT General Statute 22-844, not 22A-44.

Commissioner Paskewich: That one an eight, Jeff?

Chairman Zelek: Correct.

Commissioner Paskewich: Thank you.

Chairman Zelek: Any other updates? Can we get a motion to accept the minutes?

Commissioner Sadil: Motion to accept the minutes as amended.

Chairman Zelek: Second from, Commissioner Clark?

Commissioner Clark: I second the motion.

Chairman Zelek: Thanks you. All in favor?

All commissioners: Aye

Chairman Zelek: Opposed? Abstentions? Passes unanimously. Next item on the agenda, Public Hearing, Inland Wetlands Regulations - L.I.D. (Low Impact Development)

V. PUBLIC HEARING

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

Chairman Zelek: Chris, any updates for us?

Chris Greenlaw: I have no updates at this time Mr. Chair.

Commissioner Zelek: Ok, this being a public hearing item, if any member of the public wishes to speak, please come forward and state your name and address for the record. Seeing none, we will move on to the next item, Application 2016-01A, Mill Brook from Dowd St south to Cedar St – Wetland Map Amendment, if the applicant is here would they please come forward and begin your presentation.

b. Application 2016-01A, Mill Brook from Dowd St south to Cedar St – Wetland Map Amendment

Chris Greenlaw: Mr. Chair if I may..

Chairman Zelek: Yes, Chris.

Chris Greenlaw: The public hearing announcement in the paper.

Chairman Zelek: Please.

Chris Greenlaw: We have from the New Britain Herald notice of public hearing for the Town of Newington Conservation Commission, Town Hall, Conference Room L-101, Lower Level, Tuesday, February 16, 2016 at 7:00 p.m. The Newington Conservation Commission will hold a public hearing to consider the following: Application 2016-01A, for a map amendment along Mill Brook between Dowd Street and Cedar Street by the MDC, Jason Waterbury, 550 Main Street, Hartford, CT 06142. All materials and plans relevant to the above application are on file with the town engineering office. Dated at Newington, January 20, 2016, Jeffrey Zelek, Chairman, Newington Conservation Commission.

Chairman Zelek: Thank you Chris.

Jason Waterbury, Metropolitan District Commission. With me I have George Pendleton who is our consultant working on our project from Martinez Couch and in addition his soil scientist Tom Pietras. I am going to give a little introduction to our program and what we are trying to do here and then I will hand it over to George to talk about the application itself. As you are aware, the District initiated the Clean Water Project back in 2006 in response to a consent decree similar to a consent agreement from the EPA which ordered us close our sanitary sewer overflows. There is two in Newington and one in West Hartford. Part of the consent decree was to begin a CMOM program, which is Capacity, Maintenance, Operations Management is what it stands for, essentially maintaining your sewer system. There is a lot of technicals to that program, one of which is the

maintenance of our sewer easements. A couple of years ago the District identified two pieces of our collection system that are across country, we have approximately twelve hundred miles of sewer in our collection system, it is about 500,000 feet of that, which is about 8%, that is not located in the public right away, so these are cross country sewers. The two pieces that we targeted first, just to look at and evaluate and assess, one of which was in Windsor along the Connecticut River and the later this piece that we are here with our application for between Dowd and Cedar. Basically, what we have done to date is assess our easements, we have confirm that we have legal easements in these areas, or at least the piece in Newington we did, we didn't confirm our pieces in Windsor, that we do not actually have legal easements, we are in the process of obtaining those. We also mapped topographically where existing easements were and where a sewer was, identified any physical obstructions in the area that would prevent in there should we have to and also mapped any archeological or the status of the natural wetlands. We then compared the wetland mapping identified by our soil scientist to the Town's wetland map and decided to proceed with the amendment to the wetland map for future possible use. With this I am going to turn the presentation over to George Pendleton and our soil scientist.

George Pendleton, Martinez Couch & Associates. We are the civil engineering firm and we are working with the MDC on this project, so Jason gave the background, so essentially part or our scope along with verifying the easements we performed topographic survey, wetlands delineation, vernal pool assessment, habitat assessments within the vicinity of this small portion of the easement which the sewer runs from Cedar Street along the west edge of the parking lot out back here across the Cedar Street, it essentially follows Mill Brook up to the north, turns east and then turns north again up towards Dowd Street. There is a smaller sewer that comes in from the northwest corner and runs down and ties in to that same sewer. So those are the easement corridors we are looking at for this project. Thomas Pietras, our soil scientist delineated wetlands along the existing easements and in the vicinity of some areas that might be potential alternate access routes to get equipment to those sewer easements in the future for the maintenance that Jason eluded to. So we delineate, we did not delineate the entire corridor, contained shown on this map. We delineated the areas..

Commissioner Sadil: You have pointing access sir. Excuse me.

George Pendleton: I don't know if I, alright, I can move the hand. So essentially the sewer runs up here along Mill Brook, then turns east, then turns north, and continues up. There is a smaller sewer that comes down through this area here and ties in. So we focused our delineation, because this portion for example here along the Mill Brook we have good access on Cedar Street, and for other reasons we did not do detailed delineation in this portion here so we have no information to propose of any amendments. So the areas that we are proposing for amendments are the areas that we did delineation, so when you hit the edge of where the areas we propose, amendments that we propose, tie back into the existing mapped delineations for the wetland and the buffer. It doesn't mean that the wetland necessarily stops right that, it is where we stopped looking or where we are going to tie back into the existing mapping, so that makes it look a little unique in a few areas which may lead to a majority of the questions. So basically I just wanted to explain the background of that, we didn't delineate the entire area and the reasoning as to why to help understand and maybe answer some questions on the map and then I think at that point, at this point go to any questions from the commissioners and I could best explain it that way. How do you zoom this in?

Chairman Zelek: I noticed that some of the building lots are not, they are left blank on this. Does that mean that they were also not delineated?

George Pendleton: Some of the building lots where the buffer sort of looks blank, it is, the reasoning is yeah, those properties either were not delineated or the property owner did not sign the consent form for this application. They did not consent, as an owner, we obtained consent forms from all the property, we attempted to obtain consent forms from all the property owners, the town, because the town is one of the owners, in the process. So a few properties did not consent to being a participant in the application so we returned to the existing map boundaries on those parcels.

Chairman Zelek: Ok, so Chris. I believe we addressed the question at the last meeting regarding the application and the map. My understanding would be that the current map would apply to those property owners that did not consent.

Chris Greenlaw: Correct.

Chairman Zelek: Thank you.

Commissioner Sadil: Mr. Chairman, it is specifically lot 67?

Chairman Zelek: Yes and number 56. Any other questions from the commissioners? Commissioner Sadil.

Commissioner Sadil: What criteria did you use when you did your assessment, wetland poorly drained soil. Where did you begin and what criteria did you use when you set that boundary on the map.

George Pendleton: Tom?

Thomas Pietras: Good evening to the commission, Thomas Pietras, professional soil scientist, professional wetland scientist. The criteria used is established by the National Cooperative Soil Survey, the NRCS provides guidelines on that as far as soil types, criteria to look at. It is poorly drained, very poorly drained flood plain, alluvial soils and for the most part the wetland soils that are in this project area, this is poorly drained, fine textured soils, silty, very fine sand material or flood plain soils associated with Mill Brook.

Commissioner Sadil: How deep down, did it vary as you go through your survey? How deep down did you have to go until you got into a bedrock or is it just all?

Thomas Pietras: Generally within the, you don't have to go more than two feet down. Features your primarily going to find that identify a poorly drained or alluvial soil you will be able to see these in the upper 18 inches.

Commissioner Sadil: What did these, what did you find in your survey? Was that the case, it's poorly drained down to the 18 inches or ..?

Thomas Pietras: Poorly drained soils, poorly drained fine textured soils typically have either a mucky surface or a very dark silt on topsoil surface that is underlain by a soil, mineral b Horizon that has very distinct redoximorphic features, high Chroma models, low Chroma models, very distinct evidence of poor drainage. In alluvial soils you will find deposition of alluvial, different alluvial layers that were deposited through flooding.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: Expanding on his question, the NRCS maps are what you used?

Thomas Pietras: No. No they criteria. They establish criteria for soil identification, the soil survey maps, we used those as a reference, they did provide a guide, but it is really on site identification in the field where you determine where the wetland boundaries are.

Commissioner Paskewich: Can you identify the particular series in that soil survey map for this soil?

Thomas Pietras: This soil types that I identify, they are in my report. A lot of the soils out there is a Raynham soil, it is very fine textured soil, it is a lot of silts, a lot of very fine sands, a lot of this area that is out there is very gently sloping to level, it is like a broad drainage way that got filled in with very fine soil materials and this would date way back to the glacier. And since the glacier left these soils have been developing, forming an "a" horizon, a "b" horizon, a distinctive redoximorphic features that we look at, and it most closely, closely qualifies as a Raynham, a poorly drained Raynham soil.

Commissioner Paskewich: Thank you.

Chairman Zelek: So Mr. Pendleton has mentioned that you did a field assessment and one of the things you were possibly looking for were vernal pools. Did you find any unique features that the commission should be aware of?

Thomas Pietras: It is a very nice wetland system, there were no vernal pools out there. There is a remnant of beaver ponds, semi-active beaver ponds. I didn't see any beaver, I saw some beaver lodges, I saw some cuttings that look like they, the last time I was out there was a year ago, showed evidence of beavers being out there within the past few years and there is a network of dams out there, low dams, it is not just one big dam, it is many multiple dams.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: This is the first amendment, I am new to this commission so, for my benefit and also maybe for the benefit of the audience, I am just curious, what is the incentive for MDC to want to delineate the wetlands in a different way than they were originally were? But I have a question for this gentleman also? You mentioned the conditions out there. We have a resident of town who is also in the audience right now was worried about flooding there and me and the commissioner took a walk out there and we didn't see anything that was obvious to us. Did you see anything that we should be concerned about with its capacity to hold water?

Thomas Pietras: It is a broad flood plain, it is an active flood plain and you do get some, there is evidence of periodic high flows through there. During the time I was out there on several occasions and a year ago in the winter we had a big storm event and it busted quite a few beaver dams. It is an active flood plain.

Commissioner Bachand: Ok.

George Pendleton: Again, this is George Pendleton with Martinez Couch again. Back to the commissioner's question regarding the incentive for the MDC to do this I guess was your question.

Commissioner Bachand: Yes.

George Pendleton: There is really no incentive to the MDC to do this. As a process of our investigations we collected a large volume of information that showed different conditions from the historic wetland mapping that the town had so we chose to put in a map amendment to update and more accurately represent the current conditions out there for the wetland boundaries. As this project moves forward, the MDC still will have to come back before this commission to get a wetlands permit for impacts within the wetlands. We don't know exactly where or exactly how much yet, but we know we still will be there. The movement of these wetland boundaries and buffer lines does not move our potential work to be outside the jurisdiction of this commission. We still will be coming back for a, we are working with Army Corp and CT DEEP and then we will be coming back in front of this commission with the specifics on the actual work that will be performed.

Chairman Zelek: Commissioner Block.

Commissioner Block: Yeah, this was touched on before, but I am looking down along Wells Drive North, lots 56, 38, 32 are exemplary, there is a couple others here as well, can you explain to me the process by which the proposed wetland was determined and why these lots and others are being omitted?

George Pendleton: Yes, as part of the project, we delineated wetlands in the areas where the existing easements were or where we thought we would be doing work, so in some cases on the map we didn't delineate areas because they were not relevant to anything we were looking to do. That is not the answer for these three properties, but that is part of it. For these three properties, and I believe there is one or two others, and the state land. As part of the application, the applications are generally put on behalf of the property owner. So as part of this application we solicited signatures from all the property owners authorizing this application and these properties did not provide authorization for this application so we turned to the existing wetland boundaries on those parcels and are not proposing to modify them so that is why those 56, 38 and 32 look the way they do. For example on 32, you see the existing wetland line is the orange dotted line, it comes down from the north towards the corner of the property and it continues through the back portion of the northern portion of the lot and it will

stay that way. However, the green on that lot, when you get to the town land which is the small piece that continues between 32 and 38 the wetland boundary then moves back, so essentially that, the green hatched area, they are in between the green line and the orange line in some cases will no longer be a wetland, but as far as the mapping is shown, the northern portion of 32 and the northern portion of 38 and the northern half of 56 will still be shown as wetlands on the town map.

Commissioner Block: Mr. Chairman, as a matter of logic and further conflict, I find omission and interruption of the wetland lines, both the wetland and the upland review lines to be illogical and to create future conflicts, for example the change in value between lot 62 and lot 56 which are adjacent to each other on Wells Drive North, I would propose that continuity should be of great concern in establishing these lines and if those people have not responded that a further effort, before we bring this tonight to a vote, should be made to illicit their participation one way or the other. But, I for one take the stand that you cannot have interrupted wetland lines, it just goes against nature.

Chairman Zelek: So we addressed prior to your arrival.

Commissioner Block: I apologize.

Chairman Zelek: And the way it is going to stand is that the existing map delineations will be used for those properties where we didn't have a signed consent. Commissioner Bachand.

Commissioner Bachand: Just to satisfy Phil's suggestion, maybe if they were contacted in most cases it would benefit the owners because it looks like its moving that upland review area back a little bit, you know if that effort was made and they were told it would benefit them, I think that they might be more in agreement.

Chairman Zelek: So, I will ask the applicants, can you explain the process by which the homeowners were contacted?

George Pendleton: We sent an initial mailing to all property owners with a letter explaining essentially what Jason and I initially explained at the beginning of our presentation along with a copy of the draft version of this map and a very simple authorization form – state your name and address and to sign off. We received some of them and received some questions. There was a series of discussion with some property owners that contacted the MDC for clarification and then there was a second letter sent out to the properties that had not responded and I believe we sent the second letter certified to make sure that they did get there and then there were some discussions between the MDC and some of the property owners and that got us down to the four or five properties that either did not respond or, either there was no response or the response was in the negative to their participation. That was our process.

Chairman Zelek: There were property owners that flat out did not consent

George Pendleton: Yes.

Chairman Zelek: And the others you just never heard from.

George Pendleton: There was at least one who answered no, I don't have the information readily, exactly with me if there were any that we could not contact. There is one or two parcels I know of, I believe there is one that had no response in sending the letters out to the abutters the notification for this hearing and then it came back again, I went out there and the property is in foreclosure, so one of them is in foreclosure.

Chairman Zelek: Ok, my opinion to this commission is that the applicant did make a very good faith effort to contact those individuals, they did follow ups, so it is what it is. They've done I think the best they can. Commissioner Block.

Commissioner Block: I don't....

Chairman Zelek: Before we go on commissioner, I do want to point out that because you did arrive late, I did seat Commissioner Paskewich, so if we are going to be taking any action on this application, he will be voting in your spot.

Commissioner Block: I will object to that on the basis that as far as what may have transpired in the 10 minutes where I was absent, I did familiarize myself with this application and I am participating now and I believe that my vote at the time this discussion is over.

Chairman Zelek: I am the Chairman and I have appointed Commissioner Paskewich to vote in your absence.

Commissioner Block: I understand that, I understand.

Chairman Zelek: Can we move on to the next agenda item.

Commissioner Block: I still have point.

Chairman Zelek: No, I will not ... when we move on to the next agenda item you will have your seat back.

Commissioner Block: I appreciate that. Ok, but to continue on with my point. One of the great issues in our purview of these properties is to base our decisions on natural law and rational thought and to create a change in the wetlands lines which stops, starts and just by basis of question of notice goes against the laws of nature. If the findings of the scientist in the field established that the soils are appropriate for them to be considered wetlands or upland review area then the map should be contiguous. We have had many disputes over the past years when the question is after the fact. Why is one property in and one adjacent property out. I would argue that this map should be rejected as being incomplete in that the omitted properties should be included so that the wetlands are contiguous with the adjacent lines and are continuous. No fault to the applicant, it may be his presentation as to express whether or not the property owners have cooperated or been responsive. But nevertheless, our maps are supposed to reflect what is on the ground, not what has been arbitrarily decided by a property owner or a, you know dispute realty.

Chairman Zelek: Chris, do you have a comment.

Chris Greenlaw: Yes, if I may Mr. Chair. The commissioner raises a good point. If it was a perfect world and everyone acquiesced and gave us consent and you as an attorney with the other half, please correct me, I believe it is the 4th Amendment – illegal search and seizure, we, soil scientists don't have a right to go on other people's properties without their consent to amend the map. Certainly, if everyone acquiesced we would have one continuous map, but the point also, perhaps the consultant, the wetlands, the fact that we couldn't enter these properties and the property is delineated as white, I want to remind you that there is actually wetlands that still remains for our mapping. So we have our town mapping, you know from aerial surveys and SCS maps that we have referenced to produce it and know we have the benefit of the MDC that went out with boots on the ground with their soil scientist with a best effort with a couple of mailings that have put together this map. Those white areas are not devoid of mapping, those white areas represent where we were not allowed on the properties, perhaps the consultant could better describe or point to the map to clarify to the commissioner that the areas that, the parcels you are not allowed to go on, remain as wetlands, so that map is actually going to be contiguous. We just weren't able to adjust the wetlands on that property. Can you clarify that Mr. Pendleton, can you point to the map and explain that that is not a missing piece of wetland, that will remain as wetland per the town map and I think there is confusion with that.

George Pendleton: I think to best, and the issue and I understand the commissioner's point, I think, and the issue. This application is a little different from ones that I have been involved in the past where normally I would be with a client how is looking to develop a parcel, let's say that they owned, so they would delineate the wetland on their parcel. They would then amend on their parcel and at the edge of their parcel you would be snapping back to the original so you would end up with an updated in one parcel then you are back to your

preexisting on the again. Because of the nature of this project and where the easement, because we are dealing with properties that the MDC has easements on, we are looking at multiple parcels so the amendment is much more expansive than a typical one on one or two parcels in a small area so it makes it a little more complicated. So there is a little more complicated, there is a lot more sort of changes all at one time and it looks a little different than it would on a typical project, but to try to explain, oops that's not what I wanted to do.

Chris Greenlaw: Mr. Chair, if I may. I think it would be a benefit if he came up to the map and pointed to the map for the commissioner to show him where the existing wetland is going to remain so they don't believe that there they are going to have a broken tooth effect in this proposed map.

George Pendleton: In the way we colored this map and with the hatching, we worked with Chris to try to present it in a way that was as clear as possible. So the existing wetland line start over here as this orange dash line, so that is the existing map, wetland line on the Newington Wetland Map. That line is going to come along and we are going to come to the property line of 52 Wells Drive North, and then we move back to where we have delineated, because again we didn't delineate over here we started delineating along here, the wetland line. So our proposed amended wetland line will be this green line as opposed to the existing wetland here, so that line will come over, head north, cut across that property, then we would hit 56 Wells Drive North, we follow the property line, go back to the existing wetlands line then to the property line here, come back again to our delineated lines, the wetland line will now across and continue here, continue back up, tie back into the existing, so this wetland line is being pulled back in those areas and essentially on 32 and 38 Wells Drive North we will end up with a island of wetlands here and an island of wetland here surrounded by buffer on this side. This used to be wetland, will be now be upland review area, then this wetland line stays, this stays upland review area as it was before, so then we tie back in and continue to land in this area over here, the existing wetland line running along the rear of 72, 66 Elton Drive, we then get into a this parcel here is a state parcel, so we are not amending on the state land, we follow the property line and come to our delineated wetland, so this all in here will be wetlands, continue along our delineated wetland boundaries, pulling it back, so essentially this wetland line here all gets pulled back to become here, so this is a large wetland, this is a large wetland, this portion here, that will be upland review, not a wetland, that is the existing path, there is a footpath that has been constructed, a trail through, here. It is paved, Chris? Or is it?

[Garbled, inaudible answers]

George Pendleton: That's a path and there is actually a culvert or small bridge and that cuts through, that is why there is sort of a portion of non-wetland through the middle here. The is one of the benefits of the map amendment, our delineation is now adjusting to account for that area that is not truly not a wetland in the middle and better clarify that on your mapping. Same thing here, there is a wetland, and this portion will no longer be a wetlands. This is essentially the existing MDC sewer easement so that is an area where the sewer was constructed many years ago, so that has now been raised so with the change that is not actually a wetland, it is surrounded by wetland, but it is not a wetland through that portion. Same thing here again, pulling the wetland back, coming from existing we pulled the wetlands back, coming from existing then pull the wetlands back. So it is still all contiguous borders, you end up with a few isolated areas of some snapping back to existing boundaries just as if we were doing a project on this parcel and not that one we would have just been adjusting boundaries, not just the parcel in question.

Chris Greenlaw: For Commissioner's Block benefit, what happens here, because they don't have access to this property, this wetland delineation, they have to pull back to the existing line. When you get the final map, when it is amended, all this will remain hashed as upland review and I think that is what is causing the confusion.

Commissioner Block: Part of the confusion, yes.

Commissioner Sadil: Mr. Chairman. So, on the map is this going to be, when you put the Mylar to say that will be included, it will be smoother or will it be actually raised on maps?

George Pendleton: The hatching in some ways, the hatching is showing the things that change, it is not showing the proposed upland review area. We hatched this because this area changes, this area was upland review and we are changing this area, this will be the changed wetland upland review area. You are only actually losing this tiny little piece here of upland review because of the boundaries 100' from all the nearest wetlands, so we were trying to identify the areas that changed. Your final upland review line is this more maroon dash line than the red solid, that line here is going to go a small blip here, back here, a small insert here, back here, here essentially no change, moving in a little bit. But when you come to the outer maroon dotted to the red that is your change in upland review area and it is, here we are pulling it back, there is a relatively large change in upland review and over here you can see that is the change in your upland review area. So, the upland review line looks a lot smoother, the actual wetland line is a little more jagged because of the property lines.

Commissioner Block: What you are saying contradicts what is shown on the map. The index, the legend shows the hatching as proposed new upland review area, what you are telling me now is that the hatching represents properties in which the lines being changed but that the new line will not necessarily be all of the cross hatched area. Which is it?

George Pendleton: It is showing the proposed changes to the upland review area. So, the intent was to show we didn't hatch anything in here because we are not changing anything but the upland review area. The intent was to call out and show the areas where there was a change to help clarify the difference because there were four different lines here because they crisscross.

Commissioner Block: So you.

George Pendleton; It would have been difficult to tell what was happening in this spot, so we tried to hatch out some of it to provide the contrast and you can see the differentiation in the two sets of lines.

Commissioner Block: Ok, using that area that you are talking about, over at I believe somewhere between 47 and 55, that little triangular piece that extends from the existing line into your new line, why is that omitted? Why aren't you just following the existing line and getting rid of that triangular piece?

George Pendleton: This triangular piece here?

Commissioner Block: Yeah.

George Pendleton: This triangular piece here is the result of the wetland line being moved back from here, being pulled back to where it is, going 100' from every point on here this is where it becomes the upland review area. So the upland review line is moved in from here where it had this small peak or valley which ever way you want to look at it, that gets drawn back to here, so these, the two lines you end up with will be the green line here which is your wetland boundary and that will be your upland review boundary which is those two lines that are pulled back.

Commissioner Block: You are saying that distance between your two fingers in that position, that is the 50'?

George Pendleton: One hundred feet.

Commissioner Block: A hundred foot.

George Pendleton: From each, from all the vertices essentially that is what you are left with from all the delineated wetland boundaries. So here it is farther than 100', but because you have this point here is a hundred, so your distance from some wetland boundaries ends up larger because of the shape of with wetland.

Commissioner Sadil: Mr. Chair. Maybe this should be for the soil scientist, but why is that so jagged? Usually contours follow the slope of the land, you know when you make a boundary, usually, it is very unusual to see jagged transition, what is going on in that region right there? Explain that.

Tom Pietras: In that area where you see the triangular shape. That is somewhat of a ridge of ridge line, it is an elevated area, it is much higher and the wetlands that lie to the north and to the south are much lower in elevation.

Commissioner Sadil: Ok, usually I would see, I don't see it on this map.

Tom Pietras: You don't see the typography on this map.

Commissioner Sadil: Yeah, we don't have any contours turned on. You would...

Tom Pietras: That is a minor ridge that extends into that area.

Commissioner Sadil: Another question Mr. Chairman, what was the pedigree of the old, the old lines, how far does that date back? Is that an aerial survey? Was that done way back when?

Tom Pietras: No, that was compiled from the old Soil Conservation Service. They did soil mapping in Hartford County in the 1960s and it was somewhat of a lower level soil survey, a lot of that intent was for agriculture and the soil scientists were traversing large terrains, they did the entire county. They were doing 200+ acres a day, they used aerial photography, they had on hand copies of the old USGS maps, that would be 10' contours and they would traverse areas, there was limited amount of soil testing because, they were doing, like I said, they were doing about 200 acres a day.

Commissioner Sadil: What about flush?

Tom Pietras: So it was a lower level and they put their lines onto aerial photographs and that got put into the Hartford County soil survey and that became the town's wetland boundary. Then because you are transferring from one map to another map you have errors in transfer and compounded to that it was a lower level type survey.

Commissioner Paskewich: Except, I volunteered with the SCS in the early '90s and some towns contracted us to redelineate wetlands in those towns. So there was some advancements in the soil maps later on and also delineation of watershed. Just to bring you up to speed beyond the '60s.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: Thanks Mr. Chairman. This is more of a follow up on what Commissioner Sadil was asking. I was looking at the Wells Drive North parcel which we were addressing earlier and I see the wetland boundary actually right up to the water course, so there is no existing flood plain in the southeast. Does everything, because we don't have topographical relief, everything slopes to the northwest.

Tom Pietras: In that area you probably have a 12' drop.

Commissioner Casasanta: Ok, that's what I just wanted, if we had topographical relief I could see that and that is why I was a little bit confused because normally you have a flood plain on either side of the water course rather than just abruptly ending.

George Pendleton: And additionally to Tom's answer on that, again this watercourse shown here is from the Town's mapping, we did not delineate, we did not redelineate this watercourse so our, through the mapping, our lines in relation to the watercourse do not necessarily match. So that blue could be a few more feet over, there would be a little of it, especially as Tom discussed earlier with the beaver ponds, you know this, at many of the times does not look like this does because it has been dammed up by the beaver ponds and there is actually some larger water bodies in there at varying time. But we didn't redelineate that so we can't update that.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: The consent question, is that strictly for the, to get access to the property for the soil sampling? Or is that for us to amend the map? Because if it's just for the access for the soil sampling and if we have confidence in the soil scientist work, why couldn't we just bridge it right across there without

any, as long as we don't need their consent to change the map, and especially when you at these 32 and 38 on Welles Drive North, you've got the wetland line outside of the back of their property so, how can we move, how can we say that it is back up into their property, that is kind of odd. And then we are going to leave these, I can imagine what future applicants like 56 comes in here and says well my neighbor has a shed, you know out on that same line and now I want to do it and you are saying I have got to come for a special permit, I guess it would have been in their, they would have been better off to be on board with this, but, so I am just curious, like a simple one these are 70' or 80' wide lots, why couldn't that be bridged right across there.

Chairman Zelek: Chris, you want to take a stab at that one or should we have the soil scientist respond.

Chris Greenlaw: No, I think its best said that this map is complex. It covers a large area with multiple parcels and we elected to show the changes, when I say "we", we advised them show the changes in green and the fact that we don't show the existing upland review I think has caused considerable confusion. But certainly, when we did this map and overlay on to ours you are going to find that the, it is going to blend much better than it appears and it will be become much, much evident once the map is incorporated into the official map.

Commissioner Bachand: I'm actually not confused at all, I understand it perfectly, so that's what I don't understand. If you look at 38 and 32, the wetland line is outside of their property, so then how can it be, how can we be calling it, how can we still have that orange line.

George Pendleton: Well look at 32 for an example, you will from this orange line to here, this small northern portion here will still be shown as a wetland on your map, it will be an island of wetland surrounded by buffer on the map because we are following the property lines from those parcels. The reason that we did that is our understanding of the application process and the regulation, again, if you look at the application form, the spot, the owner has to sign off as those and if the owners of those particular parcels choose not to sign off on the application, we then do not propose to amend the lines on those parcels, so we are forced to turn back to existing just as if we were only working on one of these parcels. If we were coming in and we were parcel 52 for example and wanted to build that shed in the back, we could come in, do an amendment, stating the line is really back there, we are only in upland review and then you would have ended up with the same situation. We are just getting in a lot more locations all at one time.

Chris Greenlaw: Mr. Chairman, if I may. Just to answer Commissioners Bachand, what I meant confusing, that was the wrong word, I want to clarify that we only have the right to go on the properties that we have consents for. If we don't have the right to go on to 32 or 38 or 56, what happens is we can't refute the fact that there isn't any wetlands so it remains because we don't have the right to go on the property. If that remains then resulting upland review remains so you end up with a much larger encumbrance to the property.

Commissioner Bachand: That is why I was saying I think it is in their peril not to participate in this.

Chairman Zelek: Commissioner Clark.

Commissioner Clark; I have a question about the, so the beaver ponds or what was left after the beavers did their work, makes the water course wider, is your upland review a based on the margin of the water course or based on soil samples?

Tom Pietras: I didn't establish the upland review area, that is a certain distance that is measured from the wetland boundary. George, Martinez Couch Associates, they established the upland review area from a distance.

George Pendleton: The upland review is established from the wetland boundary or the water, the water line, Tom what is the correct term?

Tom Pietras: High water.

George Pendleton: In all these areas, the wetland lines, there is watercourse boundary in some spots we may have delineated it, it is farther away then the wetland. If we were in an area where there was no wetland

and then just water, if the beaver pond crossed over the wetland boundary and was beyond the wetland then the buffer would have gone 100' from the edge of the beaver pond. But the beaver pond always was behind the wetland, at least at the times of our delineation, so the wetland line controlled the 100' buffer not the edge of the watercourse. These are watercourses that were delineated by our project in these areas and that is why those are shown, but again the wetland, here is the watercourse but here is the wetland, the edge of the wetlands upland from that of the flood line sets the 100' line. If the watercourse went through and for some reason had no wetland soils around it then the 100' would have been off the edge of that watercourse. I'm not sure if that answers the question.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: Just a follow up on what Commissioner Clark was asking. I think there was some misunderstanding, I am looking at this area, again it is northwest of the Wells Drive North parcels and you said there was beaver dam activity in that area which resulted in some ponding in recent years. I would think that as a result of that beaver activity in that area, rather than shrinking in the wetland line, it would have pushed it back. I would imagine there would have been more water, more ponding, more permanent water in that area and again the footprint of the actual flood plain would have been enhanced rather than constricted.

Chairman Zelek: So again.

Commissioner Casasanta: Was that what you were after?

Commissioner Clark: Yes, that's what I was thinking.

Chairman Zelek: This is actual sampling of the soil types on site and it is replacing the aerial best estimate as to where the wetland delineations were, so this is the actual wetland delineation that the soil scientist has brought to us. Commissioner Block.

Commissioner Block: If you look at the point, at a little area that looks almost like the state of Florida, CT6-12, ok. If you find a wetlands I still don't see how you establish a 50' line for the upland review in creating that triangular piece. It doesn't seem to match, you are straddling the point, right there, that's the point and if you look at the triangular clear section, yeah that point.

George Pendleton: This one?

Commissioner Block: I don't see 50' radius around it. It looks like it extends out considerably more in spots.

George Pendleton: It is a 100' boundary. This triangle piece where it is getting pulled back is essentially, again in this area the white, this is the wetland.

Commissioner Block: Right.

George Pendleton: So that is the proposed wetland boundary. So this is the edge of the wetland, this is upland of that. Primarily you look at like these vertices, these points here, 100' from that. Essentially if you drop, the way that you do this is that your draw a circle around every point along the wetland line and you have a whole series of circles and you trim them all together.

Commissioner Block: And your upland review line does not follow that procedure. It doesn't trace the wetland line, it extends, narrows and widens randomly.

George Pendleton: It is 100'. Again, the upland review is 100' minimum from the nearest point. So at this point being the farthest northern point...

Commissioner Block: Yes, there it's...

George Pendleton: Coming out it controls the boundary in this area. Because the wetland comes back here, this line doesn't necessarily come in because this point next to it is out and controls that. So the point, this are is controlled by this point here, this point here, this point here.

Commissioner Block: And if you look just above 6.12, right there, that is the furthest point. Where is your 100' line from there?

George Pendleton: The 100' line from here is in here and it is overshadowed by this point here and here, we overlap that, so that point has no actual influence in the upland bumper because it is too far away.

Commissioner Block: Ok. So the real issue I have with the map then is that you needed to have an additional legend for the triangular clear pleat ah piece, to show where you are not establishing a new line but maintaining continuity with the old line. Again going back to the white triangular as an example. In that white area, you are not proposing to change the upland review line are you. That is what our engineer said.

George Pendleton: No, this area right here, this is the white triangle we have been discussing, that right now on your mapping that is a wetland.

Commissioner Block: Exactly.

George Pendleton: So we are proposing in this, in this piece here we are proposing to take what's currently mapped as a wetland and map it as nothing.

Commissioner Block: Ok, now but if you take that same process and go back to lots 56, 38 and others you are now clearing them of all wetlands and upland review area.

George Pendleton: No, we are not touching, this is, this was upland review area and stays upland review area.

Commissioner Block: Than why doesn't the line at the triangular piece also stay. Your map is not consistent is what I am saying.

George Pendleton: We hatched it, I think before we didn't have. We were trying to hatch it and present it in a way that would be clear to the commission as in this showed what we were pulling back, this piece right here is a similar situation to here. We are pulling the wetland boundary back, this was buffer, it will no longer be a buffer, upland review area rather. Where as this area here was upland review area will no longer be upland review area, this area was wetland will no longer be that or upland review area so we are trying to show that to show to help identify the edge and the area what will be, what would become the upland review and wetland area, the area under your jurisdiction. This area beyond the hatching here currently was within your jurisdiction as either wetland or upland review on our map. You will no longer be.

Commissioner Block: Then using that same prewise, lots 56, 38, 32 and others would no longer be under our jurisdiction.

George Pendleton: No not in the case.

Commissioner Bachand: They are actually more encumbering than before.

George Pendleton: Not in this case, because the line, you have to look at what would become the proposed line. If this was to be approved and then your map was to be amended, the map you would then see afterwards would then, the upland review line would have a line here that continues along..

Commissioner Block: That's my point.

George Pendleton: Down into your upland review and your wetland line would be back here and you would end up with and island of wetland here. The ultimate final version of the map would potentially answer your question or potentially just create more, I am not sure, but it was our intent to clarify the boundaries.

Chairman Zelek: To Commissioner Blocks point, I fully understand what you are doing, pulling it back, I think what he is saying is you are using that circular method that you described before, if you test it here and here, did you test these?

George Pendleton: Yes.

Chairman Zelek: Ok, so then why are you not, even though they didn't consent to having you come on to their property, if there was a test done here off their property, shouldn't you extend that circle, that one 100' from that test area, and do the same here even though this is off site from 100' so that you have a consistent continuous upland review area.

George Pendleton: Because as we know that is a wetland point, but we also still, because we haven't done anything on this property still essentially have an x at that corner there and have to draw a circle over that one which then would override and extend that circle.

Commissioner Block: Then that is what the map should reflect, that the entire parcel remains under the old designation. It doesn't show that.

George Pendleton: Yes, because these are the boundaries. The hatching was a visual aid, the hatching doesn't mean anything, the hatching, the intent of the hatch was a visual aid. The four color lines, the solid green, the solid red are the proposed changes to the line, the two dotted lines are the existing lines. So you have the existing wetland comes is a solid green and the colors are a little difficult to see in some spots, here, that becomes, that's our wetland and the wetland island here, solid green and this existing yellow that stays. You get this, this solid red overriding this area from back here, so this is correctly upland review area and stays exactly the same as upland review area, this is currently wetland and stays currently wetland. The wetland comes back to here from here, but the majority stays upland review because of the 100' from the corner.

Commissioner Block: Can I suggest that you provide an amendment map that shows, that shows what you've just explained, because I think we need to have the record complete because, as I said, to a lay person, and to me, it looked like you were removing existing designations and you are doing so what appears to be capricious rather than following any natural or engineering principles.

Commissioner Bachand: Can I just ask a question to what the Commissioner mentioned about the 100' circle which makes perfect sense and explains everything else. Why couldn't that be applied again? You might have explained it, but why couldn't that be applied on those corner properties and bridge over those ones that you don't have consent for?

Commissioner Block: That is what has traditionally been done.

Commissioner Bachand: On the corners of those two where you are pointing, yah, if you applied those 100' circles which makes perfect sense, we ...

George Pendleton: We still are applying that, that boundary, the circle in here, if you put 100' circle on that corner and this one you will end up with that line. That is where it actually is. Parts of that comes in a little bit, so that is still the same off of those corners. I think that's wetlands, its different, is not that we were pulling it this way, we were pulling it back that way, so the 100' circle goes back.

Commissioner Bachand: I think that the, when the MDC explained it, you cannot change the map without the consent of the property owner, which I thought asked before and I thought the consent was strictly to get access to for the soil testing.

Jason Waterbury: Prior to doing any field work on any of these properties, through out this corridor, we sent out numerous notices to all residents explaining what we were doing to give a call, some people called, some people didn't call. Beyond that, as far as the application process, in order to file the application for any of the properties we had to get consent from the individual property owners and in this particular situation, those three

property owners, plus I believe there is one more on the other side did not offer their consent which is why you end up with that jagged line the island of wetlands.

Commissioner Bachand: The explains it, I understand now.

Chairman Zelek: Can we get clarification also, is it true we cannot amend the map without the homeowners.

Jason Waterbury: That is my understanding. Chris?

Chris Greenlaw: Just to reiterate the point, we couldn't, there would be nothing to modify. Let me reiterate this, they found wetland here, if we came along the property this wetland remains on the property, therefore the result and upland review remains, that is why we don't change it, because we can't.

George Pendleton: Because the wetland map amendment is an application and the application requires the signature of the property owner. If we can't get authorization from the property owner, we cannot file an application for that property.

Chairman Zelek: Ok, and I think that is the sticking point right there. Commissioner Block.

Commissioner Block: Yes. Having been on this commission for a good many years, I agree with our engineers comment. This in fact, the entire wetlands process, is a taking of various property rights and it is important in my mind and important in the courts mind I believe, that it be done on a rational and realistic basis. I believe our issue now is based upon a decision of the applicant that this map needed another legend. That these properties should have been cross hatched as wetlands or upland review areas in accordance with the existing lines to show that the limitation remain as is, ok, not that as the square property line which seem to indicate that the wetlands restrictions are being rescinded on those properties.

Chairman Zelek: I think they did indicate that with the hash lines where they show the existing upland review area and existing wetland.

Commissioner Block: No, the diagonal lines, the hash lines, as legend in lot 44 says the propose upland review area. In 38, the existing line, which I believe is a red dash line, should have been legend as to remain the existing upland review area, and the orange dash line should have been contrary hashed or something to indicate that that remains within the wetlands lines. Ok? That is where I think some of the confusion is and I feel that it is an important distinction to make one confusing us at a hearing and two creating a document for record which leaves that confusion. So again I say that prior principles of this commission has been that there be continuity between amended lines and preexisting lines and this map doesn't show that. In fact, if you look at 56, there is not even a green line for the proposed wetland line. Lot 56 is exempt entirely.

Commissioner Bachand: No, it reverts to back to the original.

Commissioner Casasanta: It reverts back to the dashed orange line.

Commissioner Block: There is not dashed orange line.

Commissioner Casasanta: Right there.

Commissioner Block: Yeah, that is the existing wetland, that's what this hearing is, but to somebody else out there, I don't see that being clear at all.

Chairman Zelek: I am sure if you had twelve different engineers put together this map, you would get twelve different maps, and I don't think any of them would be any more clearer than any of the others.

Commissioner Block: Again, this commission in past years, I am quite sure voted that applicant's maps should be continuous.

Chairman Zelek: And they are continuous, because we are using the existing delineations. The existing delineations are not changing. We are only changing those that have been indicated on this map, so there is a consistent line all the way across. Even though it is difficult to read on this map, it is there. Commissioner Casasanta.

Commissioner Casasanta: Yah, I think what is the real confusion is on the properties where MDC didn't get consent to go in, the existing wetlands line is going to be different from what they mapped on the properties from where they could go in. But the upland review area, in that area, looks very consistent. I don't see many jogs, it just, you know, unfortunately for the legend and how they laid it out here it looks kind of weird, but to me the only thing when the map amendment is done for those three properties, you are going to have wetland jogs into their property that don't exist in the adjacent properties.

Chairman Zelek: I think the most important thing here is, is this map going to satisfy our engineering department's needs to, when it comes to doing an application in the future. Is everything that you need here Chris, in your professional opinion as the town engineer, is the complete?

Chris Greenlaw: Yes.

Commissioner Block: Ok, let me, just again. Forgive me if I am being obtuse, but again, using lot 56, I think what would have resolved my issue and I would hope would still be reflected on whatever final map is presented, I believe it is a green solid line, because I am color blind, if that had been extended parallel to the dashed orange line to bridge the gap, then I think it would be clearer. Chris, am I correct in that? Yes, you are nodding affirmatively.

Chris Greenlaw: Yes.

Commissioner Block: Can I ask the applicant then, if on the final map, they ah, the presentation, the map could be amended to illustrate that continuity.

Jason Waterbury: We are certainly compliant to work with the town engineer as far as providing the town a map that, you know, meets your needs.

Chairman Zelek: Are you pretty much complete with your presentation, because this is a public hearing and I do want to give the public an opportunity to speak on this. It looks like we have two more questions.

Commissioner Sadil: Question, I take it that the beavers aren't there any more.

Jason Waterbury: I don't know, I am not sure.

Commissioner Sadil: My question to the soil scientist, what can you tell me about the health of this wetland, how has it changed or how can it be improved based on all the samples that you have taken around the area. Can you tell me about the health of this wetland. Talk to me about habitat itself.

Tom Pietras: Very, very briefly, it is predominantly red maple swamp, you do have some meadows established within the compline. There is two primary features. You have Mill Brook that has a broad flood plain, the beaver dam is in the area where the sewer line crosses so it extents to here all the way to the north and then it surprisingly stops right about here. The brook comes to a constriction and the beaver dam is here an in this area here, I didn't find any farther to the south and I didn't find anything to the north. It's a series of all beaver dams. That is a nice feature through here and then you have this extension of wetlands to the northwest and that is a red maple swamp with those fine textured Raynham soils. It is a nice system. You got a walking trail that somewhat bisects the wetlands, but it is a healthy wetland system.

Chairman Zelek: Thank you. All right, I would like to table the questions from the commissioners. We will take one more.

Commissioner Arburr: I'm not sure if I am using the right terminology, but are you planning to put this revised map into a digital format where you can give the town a disc and our information technology department could overlay, can you put it on the town map. I know it can be done, were you planning to do this.

George Pendleton: Yes.

Chairman Zelek: I remind commissioners to use the microphone when you are asking a question. At this time I am going to table questions from the commissioners and ask for public comment regarding this. Any member of the public wishing to speak please come forward, state your name and address.

Michael Erickson, 82 Elton Drive: I would like to speak in favor of the application. It is beneficial to all the residents to revise the map, amend it with actual detail field investigation. Thank you.

Chairman Zelek: Thank you sir, any other member of the public wishing to speak.

Rose Lyons, 46 Elton Drive. Although I am not an abutting property owner, I didn't get any notice I am here because you all know I have been here for several years advocating for that piece of property in the back of where you are looking at right now and I think that I agree with Mr. Erickson, that it would be beneficial for the property owners but I can't speak on their behalf, only that having watched what is going on in that area for several years I think it is about time it was brought up to date. I would like to ask, and I know I am a pain the butt about this but, if you are looking at maps, could you give the audience a copy of the maps to look at and we live in the area. Even that side screen over here in the beginning you couldn't even read what was on there and I know that you fellows and ladies, lady, are looking at something right in front of you but it is hard to be turning your head and looking and watching and listening, so if there could be some handouts that would be muchly appreciated. Thank you.

Chairman Zelek: Any other members of the public?

Catherine Milewski, 28 Wells Drive North. I have a question, I live next to the two people who did not sign, there is a right of way that you can see there. Rumor has it that your, MDC, is going to be changing the sewer and the conduit, the culvert from the street and how would the wetland impact the culvert during construction.

George Pendleton: The MDC, this easement right here?

Catherine Milewski: Yes, the easement.

George Pendleton: That, that right there is actually town land, that is a town owned parcel, it is drainage, the storm drainage goes, it follows this and at some point discharges into the Mill Brook. That is the town of Newington storm drainage, that is not MDC piping, that's not part of the MDC. This is, the MDC has an easement adjacent to that, the MDC has an easement on the town parcel and 10' to the east on to 32 Wells Drive North, so essentially a 20' wide easement through here and the sewer does go through here next to the storm drainage.

Catherine Milewski: I guess that is what I am asking. Is all of that change if town engineer, there was talk of redoing that culvert into that easement and I think that is why the two neighbors weren't .

Chairman Zelek: So let me address that. At this point, we are only doing a map amendment.

Catherine Milewski: Ok.

Chairman Zelek: To delineate where the wetlands are, if there are any other activities that the MDC will be performing, they will come back with another plan and at that point it will be open to the public to see what the changes they may be making to culverts or pipes, etc.

Catherine Milewski: Ok, thank you.

Chairman Zelek: Any other member of the public? All right, I am going to close public comments. Any final comments from the applicant? Seeing none, I would like to ask the commissioners to entertain the idea of closing this public hearing and moving this to old business and voting on it this evening. Is there consensus from the commissioners to do so or would you like me to leave the public hearing open. Commissioner Casasanta.

Commissioner Paskewich: I move that we close the public hearing and move on.

Chairman Zelek: We cannot make a motion just yet, I am just looking for a consensus. Commissioner Block.

Commissioner Block: I think it is important to the public well being to understand the point that caused me concern and that is I would like to see there be a further communication to the public, particularly to the objecting property owners, showing clearly that the existing wetland lines will still apply to their property. I think as one of the public comments stated, I think the question as to their apparent objection might be based on some construction issue not on a delineation of the wetlands and I am very much concerned that, as I have stated continuously tonight, that the actual maps clearly show the continuity of both of the established lines and the lines to be established. I would like really to see that effective as part of the public hearing record prior to closing.

Chairman Zelek: Thank you. Right now I am just looking for a consensus from the commission on whether or not we should close the public hearing. Alan.

Commissioner Paskewich: I feel due process has been fulfilled on the applicants opportunity to work with the public.

Chairman Zelek: Very good then. Commissioner Casasanta.

Commissioner Casasanta: I agree, I think that the public hearing should be closed.

Chairman Zelek: John, Commissioner Igielski.

Commissioner Igielski: Since everyone has an opportunity to speak in favor or against the application and the applicant has made a complete presentation and the town engineer feels there is not outstanding information that I agree that the public hearing can be closed.

Chairman Zelek: In your opinion Chris then, is the application complete to your satisfaction?

Chris Greenlaw: The application is complete, I just want to, if I may, very quickly. We actually advised them to devise this map to show you the changes such that on the back end they are going to give us an electronic map that we are going to incorporate into our formal map. If we show you just the final product, you possibly wouldn't be able to garner all the changes behind the scenes. So maybe in an attempt to better explain it, we caused a little confusion, but on the engineering side, I know that once they give us an electronic mapping this is going to be a somewhat seamless, it is going to be much more contiguous, so I hope the commissioners can appreciate. If you notice we didn't use red line for the upland review, we used green because we wanted to show you changes, so keep that in mind.

Chairman Zelek: Thank you Chris. One quick question for our secretary. John, can we vote on this this evening because it is under Old Business?

Commissioner Igielski: In my opinion yes, it has been done in the past.

Chairman Zelek: Very good. All right then, I will have you read a motion to close the public hearing.

Commissioner Igielski: I make a motion to close the public hearing on Application 2016-01A.

Chairman Zelek: Can I get a second please?

Commissioner Casasanta: I second that.

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

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? You are not voting Commissioner. So it passes unanimously and the public hearing is now closed and we will address this under Old Business.

Chairman Zelek: Moving onto New Business - Renewal of General Permit 1 by the Town of Newington.

Commissioner Igielski: Mr. Chairman, just as a point of order, in able to act upon this application in Old Business it will have to be a change to the agenda since it is not listed. Excuse me, my apologies.

Chairman Zelek: Now we are on to the next item which is the Renewal of General Permit 1 by the Town of Newington.

VI. NEW BUSINESS

B. Renewal of General Permit 1 by the Town of Newington.-

Chris Greenlaw: As some of the commissioners might be aware, we have a general permit in town that we reissue every five years and believe it or not, five years has come up again, or will come up again in April. So I wanted to get a little water under this, I wanted give the commissioners, what you have before you, I wanted to show you the existing General Permit No. 1 that allows public works to do work in certain wetland watercourses or rivers and streams as far as maintenance in accordance with the regs. But they are required to do certain things and that is to inform the commission in writing ahead of time. So what I have done is I have given you General Permit No. 1 and again we are looking to improve some form of this with your changes in April. So I wanted to give this to you now so that you could read it, look at possible changes to it. I have proposed, I have put together a memo as a reissue dated January 28, 2016 and I think that because of some of the past history and many questions that I have had from commissioner and residents that I look for clarifications and I would ask you to read that so over the next two months we can review this, make changes, modifications and hopefully by April reissue this and when you read my memo I think you are going to see in there more clarification as to an advance of work being done as far as the scope, time line, type of work, method of work, where the work is going to be done and report by that department head or agency such that I can inform the chairman and the commission prior me doing that work, so please look at the existing General Permit 1, keep in mind that we are going to be looking to approve some permit, as modified or maybe exactly as it is and I have gone through memo to get you started as far as some of the clarifications I would like to see.

Chairman Block: Mr. Chairman.

Chairman Zelek: Yes Commissioner.

Chairman Block: I endorse the concept, however, I would suggest that the actual second permit the General Permit No. 1A, B, C to establish that it is a different point in time when you renew it. You follow?

Chris Greenlaw: Mr. Chair, if I may. And again, we are renewing an existing permit...

Chairman Block: Right, but..

Chris Greenlaw: So we shouldn't change the name.

Chairman Block: But is sequential. What I am saying is that five years from now if you are talking about an element of work that was done under General Permit No. 1A or B or C to indicate when it came up over the course of time. OK? Rather than just having lost in a morass. Because, as you, I think as you recall, on some occasions the actual work done at a particular year will be for location C, the next year it will be D, E and F. It won't always be the same areas of the town. So I think that we need to be able to pinpoint which permit and which writing in advance of proposed activity as to scope, etc., that particular version of permit 1 is pertinent.

Chris Greenlaw: Mr. Chair, if I may. It is a General Permit. It is in accordance with the regulations. So it gives them a certain latitude to do maintenance on physical structures and drainage and what not. So general meaning the whole town, so that in advance of this they can plan, perhaps in late fall or before the winter when they start to go out and do work around streams and whatnot. There is language in here such that if they believe, if the commission believes, the work to be in excess of what a general permit is for maintenance, you can require them to come in for an application specific to that. For example, last year at the highway garage, we put in twin 30 culvert pipes and redid the swale. That was far in addition to general and we had a specific permit for that. Much like down by the Eversource parking lot and over by the bus garage with drainage. So if you feel as though it is in excess of what the latitude given for a general through town for maintenance then you can specify.

Chairman Block: Chris, you used the term, reissue. It's not a, we already had this discussion in years past. You can't have the permit go from year to year to year continuously, it has to be reissued. All I am saying is that, I think it is beneficial if we index, or indicate the individual permits by appending something further to No. 1-A or example No. 1-17 for next year to indicate which segment to time this issuance, this reissuance of general permit applies to. That's all I am trying to do, I am trying to delineate chronologically when we are acting permit no. 1. You follow?

Commissioner Paskewich: Well...

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: We have the date on the memorandum refer the date of the reissue, which is January 28, 2016. It seems pretty clear to me.

Commissioner Block: That's in the memo, it is not on the actual permit. I am talking about the legal permit.

Commissioner: There would be a date on it.

Commissioner Block: If the date on the permit would be indicative.

Chairman Zelek: You have a copy of General Permit No. 1.

Commissioner Block: Yeah, I see 2011.

Chairman Zelek: Right, so that permit is good for five years and encumbers all general activities. In my opinion we don't need to have sequential permits. Commissioner Casasanta.

Commissioner Casasanta: Just a point of order, Mr. Chairman, I know that you said that after our previous application you would seat Chairman, former Chair, Commissioner Block. So I didn't know if you forgot.

Chairman Zelek: I will take care of that.

Commissioner Block: Thank you for that.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: My question is, in further discussion are we looking to keep the wording on this exactly as it is? Does Chris' memorandum make it a little stricter as far as informing Chris, the town engineer before any work is done since a recent episode that was not done. Is there anything to try to keep something that happened recently from happening again that the permit should have prevented but did not.

Chairman Zelek: So I think what you are referring to is the activity that the Parks & Rec department took over at Mill Pond park when they tried to remediate the dumping of the tennis court materials...

Commissioner Block: Correct.

Chairman Zelek: and it was done without informing the town engineer prior to their, trying to remediate the situation on their own. I do see in the three pages that Chris has sent us, that the, and I do have it underlined here, that he is going to have the permit, as do various towns, working in regulated areas shall notify the commission officer or wetland agent in writing in advance of those activities and describe the scope, etc. So I think the point is we just want to make sure that those department heads are well aware that this permit requires you to be notified in writing prior to any activity taking place.

Chris Greenlaw: It would be similar to, we've initiated a certain protocol now with the agent approvals. Now when there is an application, our weekly talks that I have with the chair, I will invite him to review applications that are coming forth to the commission. If he feels as though it is of a minor activity and doesn't warrant the discretion of the full commission review, we have that communication. So if an applicant comes to the town, we tell them you need an application and pursuant to the discussion with the chair, if we feel as though it is a minor activity that that shed, pool, minor grading, so on and so forth, it is a protocol, that I believe has worked. I believe that we should initiate that same sort of protocol amongst the department heads, because I am not a director of public works, I am not aware of the work they are doing and I would rather be informed from the ahead of time rather than residents or commissioners, such that all I need is a quick email "hey, looking forward we are going to have weather, frozen ground, would like to get work on this channel is this area as maintenance", send me a narrative, share it with the Chairman, and perhaps the Chairman makes a call or shares it with the commission. We have a protocol, kind of a check and balance ahead of time. I think that would be beneficial.

Commissioner Block: Thank you. My point exactly and you both put it in much better than I did. My question then, will the new general permit include wording to that effect, and be less general than the general permit.

Chairman Zelek: I think that is what Chris is inviting us to do. So we have up until April to make those revisions to the permit. All right, I think we table this item to the next meeting. I do apologize, and I don't think the commissioners caught this, but I jumped ahead one agenda item. We are now going to hear Application 2016-02A, 690 Cedar Street - Wetland Map Amendment. Alan, I am going to give your seat back over to Commissioner Block.

Commissioner Paskewich: Certainly.

A. Application 2016-02A, 690 Cedar Street – Wetland Map Amendment

Chairman Zelek: For the record, please state your name, and a brief presentation and we will move to set a public hearing date for the application. I don't want to spend too much time on your application, we will reiterate all of that anyway at the next meeting.

Andrew Brecker: I will be very brief tonight. My name is Andrew Brecker, I am here on behalf of the Town of Newington, I am the Economic Development Director for the town and probably the point person for all matters having to do with the National Welding site which is 690 Cedar Street. Those of you who were here six months ago will recall that I was here requesting your consideration for a similar application, that application was withdrawn, because and this will probably go to Commissioner Bachand's question of we did in fact receive the permission, the consent of the abutting property owners to undertake a soil survey, when we receive the results of that soil survey and then presented them to the abutting property owners we ran into a problem with the abutter to the west and north of the site. A couple of corporation controlled by Richard Hayes who disagreed, not with the findings, but he had a separate disagreement with the DOT regarding the detention basin they constructed several years ago as part of CT Fastrack. That disagreement has been resolved at least enough so that Mr. Hayes and his two companies have now given consent to the proposed map amendment that I am here tonight to ask your consideration for. So, essentially I am here to state that as a result of our movement towards cleaning up the National Welding site and bringing it closer to redevelopment, we are trying to take care of some housekeeping items and one of them is correcting the existing wetlands map so that it reflects actual conditions. We have hired C. Webb and Associates who conducted a soil survey and created a new map and it is quite easy

to understand the old and the new and all of that I am hoping will be submitted and will be considered by you at a public hearing at your March 15th meeting.

Chairman Zelek: Very good, can I get a motion to set the public hearing for a map amendment.

Secretary Igielski: At this time I make a motion that per Section 15.7 of the Inland Wetlands and Water Process Regulations of the Town of Newington, the Commission hold a public hearing on Application 2016-02A for the proposed map amendment to establish wetland boundary limits determined by soil scientists in the field on March 15, 2016 at 7:00 p.m. in Conference Room L101, Town Hall.

Chairman Zelek: Can I get a second please?

Commissioner Manke: Second.

Chairman Zelek: Second from Commissioner Manke. Group discussion? Ok, seeing none. All in favor?

All commissioners: Aye.

Chairman Zelek: Alan your not voting.

Chairman Paskewich: Sorry.

Chairman Zelek; Opposed? Abstentions? Motion passes unanimously. Thank you.

Andrew Brecker: Thank you very much.

Chairman Zelek: Move on now to Old Business. We are back to Application 2016-01A, Mill Brook from Dowd St south to Cedar St – Wetland Map Amendment

VII. OLD BUSINESS

- a. Application 2016-01A, Mill Brook from Dowd St south to Cedar St – Wetland Map Amendment.

Chairman Zelek: If the applicant could please come forward and state your name again for the record.

Jason Waterbury: Jason Waterbury with the Metropolitan District Commission.

Chairman Zelek: Any of the commission members have any other questions for the applicant before we move to approve the map amendment.

Commissioner Igielski: A point of order.

Chairman Zelek: Commissioner Igielski:

Commissioner Igielski: I don't think it is appropriate for any more questions to be asked of the applicant.

Chairman Zelek: You are correct, thank you.

Commissioner Igielski: But is appropriate for discussion on the part of the commission, regarding what was presented during the public hearing.

Chairman Zelek: So I think we will have the motion after we get the motion.

Commissioner Block: No. Mr. Chairman. I do think it's important that we have as either part of the motion or to confirmation by the applicant that they clarification that the final map will be amended or drawn to demonstrate that the new proposed lines will continue to the exiting lines as was indicating by the discussion. Because, as I said, I believe that the map that has been presented to us contains a very detrimental flaw that will create controversy and distress in the future and I would really like to ensure that the map that is going to become a record of the town contain that clarification.

Chairman Zelek; Before we go to your question, I just want to reseat Commissioner Paskewich, because you were seated when we heard the application initially from the very beginning, so you will be seated for now for Commissioner Block. Commissioner Bachand.

Commissioner Bachand; First a question for the secretary. It is appropriate for alternates to participate in the dialogue after the application is.

Chairman Zelek: I encourage our alternates to engage in the dialogue, however, they are not allowed to vote unless they are seated.

Commissioner Bachand: Understood. I would say that you could vote on it and approve it, but I would strongly recommend that this supports, like Commissioner Block has been saying that we get out there and try to contact those three or four people, the engineer can do it or send someone out there. Because what I anticipate is, we fully understand why the map is made like this, it took a while I guess to get it, but I can imagine a situation in the future where the people are going to be screaming mad, they are going to say it is arbitrary, almost like spot zoning, or arbitrary. So even if you approve, maybe just one more attempt to get them so sign on, because as the lady indicated it sounds like they was some misunderstanding and that is why, they thought they might have been giving up some rights when in fact they are actually they are losing a lot of, they are losing of, autonomy over their property, because if they sign on to this they are actually moving those wetlands off their property and into this review area.

Chairman Zelek: At this point.

Commissioner Bachand: It is just a suggestion.

Chairman Zelek: It is a suggestion and I understand where you are coming from, but the public hearing part is closed so we can't invite them in and that wouldn't be on the commission to invite them in, that would be up to the applicant and I think the applicant has made every effort that they could to engage those individuals.

Commissioner Casasanta: Can we speak for or against or is this general discussion or are we still in question.

Chairman Zelek; It is general discussion.

Commissioner Casasanta: I would like to speak in favor of the map amendment. I think confusion about the way the map was presented, notwithstanding, I think that the map better reflects the actual wetlands and I think it's a step in the right direction because of the time of the original mapping, it was not as precise, I think that we got a very qualified soil scientist out there who has identified wetlands and the appropriate upland review area, so I think that the applicant did due diligence on this and I for one actually was very impressed with what he came before with.

Chairman Zelek: Thank you and I would agree with your comments. I am in favor of the map amendment. I don't have any issues with the way it was presented, I can understand the legend, I understand how they are using the existing delineations and showing us the new delineations. But most importantly is, that our town engineer can use the map and he has already stated that it satisfies his needs to execute his job duties. So I think we are in a position where, you know a position where there really isn't any reason not to approve the map amendment. Commissioner Block.

Commissioner Block: Just for the record, I did familiarize myself ahead of this meeting with the application and I participated for a majority of the hearing and just for the record I object to being unseated as to the vote.

Chairman Zelek: Well, I'm sorry but you weren't in attendance...

Commissioner Block: I understand

Chairman Zelek: For the first ten minutes of the presentation. Commissioner Paskewich was here the entire presentation.

Commissioner Block: I understand, but just for a matter of records.

Chairman Zelek: So to give the best due process to the applicant I am seating Commissioner Paskewich.

Chairman Block: Ok.

Chairman Zelek: Can I get a motion to approve the map amendment please.

Commissioner Igielski: At this time, I would ask the chair to ask the town engineer if the application is complete.

Chairman Zelek: Chris, is the application complete?

Chris Greenlaw: Yes.

Commissioner Igielski: Does the town engineer have a list of suggested reasons for our review?

Chris Greenlaw: Yes.

Commissioner Igielski: At this time I make a motion that the commission after reviewing the application and supporting documentation public hearing held on February 16, 2016 and closed on February 16, 2016 and subsequent discussion by commission members make a finding of fact to approve the proposed Map Amendment to redefine wetland limits and issue a permit by preliminary ruling for the following reasons:

- A. Wetland lime shown on Town Map are base on interpretation of Wetland soil limits from Soil Survey, Hartford County, Connecticut prepared by soil Conservation Service in cooperation with Connecticut Agriculture Experimental Station and Storrs Agricultural Experiment Station.
- B. Applicant has retained a soil scientist, Mr. Thomas Pietras, who has certified on a map entitled "Wetlands Amendment Plan, Inland Wetland Application # 2016-01A, Newington, Connecticut, Scale 1" = 100', Latest Date: 1/28/2016, as being true and correct Wetlands that were flagged in the field by registered soil scientist Thomas Pietras on December 31, 2015.
- C. There was no public comments in opposition to the map amendment.
- D. Review and discussion by the Commission.

Chairman Zelek; OK, can I get a second please.

Commissioner Clark: I second.

Chairman Zelek: Any further discussion before we do a vote. Commissioner Arburr.

Commissioner Arburr: I just was wondering if this is the approval motion, should we not have included in here requiring that the provide us with a digital mapping for our records, because if it is not in the record then they don't have a responsibility to provide that digital mapping.

Chairman Zelek: Chris you want to respond to that as a requirement to the map amendment..

Chris Greenlaw: Mr. Chairman, if I may ask the secretary, these are suggested reasons, not conditions,

Commissioner Igielski: Not conditions, that is correct. As is the practice with map amendments.

Chris Greenlaw: Now referring back to the record, a question to the commission. Did we not ask them to provide that to us a part of the testimony, would they be bound to it per the testimony, Mr. Secretary?

Commissioner Igielski: I believe they did indicate during their testimony that they would be providing it.

Chairman Zelek: Is this commission comfortable with having them provide it after?

Commissioner Block: Mr. Chairman.

Chairman Block: Commissioner Block.

Commissioner Block: I don't think that that is sufficient for the record. I think that the point is well made that if we are requiring them to provide to the record in any form that it should be added as a condition and in the same light I would also add to that, that the legend be amended to show the continuity of the property lines, which again they agreed to but we don't have any assurance that the final record that the town contains will clarify that point of confusion, so I support Commissioner Arbur's position.

Chairman Zelek: So I take it on good faith of the MDC that they will provide that digital format, we have not made that requirement on any other map amendment in the past.

Jason Waterbury: Yes.

Chairman Zelek: Thank you. Any other discussion by commissioners? Ok, then we will vote on the motion. All in favor?

Commissioners: Aye.

Chairman Zelek: Opposed?

Commissioner Block: Yes.

Chairman Zelek: Abstentions? Again, Commissioner Block you are not voting.

Commissioner Block: No, I voted against.

Chairman Zelek: You are not voting, I seated Commissioner Paskewich for the vote.

Commissioner Block: You unseated him.

Chairman Zelek: No, I seated him for this particular application.

Commissioner Block: Again for the record, I object.

Chairman Zelek: The motion passes unanimously. Thank you.

Chairman Zelek: Ok, moving on the next item under Old Business.

b. Inland Wetlands Regulations Changes – L.I.D. (Low Impact Development)

Chairman Zelek: Do you have anything further Chris.

Chris Greenlaw: Nothing at this time Mr. Chair.

Chairman Zelek: Ok, moving on to item c. New Initiative - Vernal Pools.

c. New Initiative – Vernal Pools

Chairman Zelek: Alan, anything for us?

Commissioner Paskewich: Work is still in progress, but I have something here that is new to me. We had the conference in Paris recently, regarding the sustainable development goals, about a month ago, there were 17 goals that were proposed for 193 countries. I attended a lecture today.

Chairman Zelek: Does this have relative to vernal pools at all.

Commissioner Paskewich: It is, just on part of it. The International Union for Conservation of Nature is part of the observance to the UN regarding those 17 goals. If you are familiar with that.

Chairman Zelek: I am not.

Commissioner Paskewich: You're not. Ok, it was broadcast all over the world, but nonetheless, you have been busy with everyone else. They had a convention on part of it regarding biological diversity and let me go through my notes here so I am not reading it off, one of the targets of the 17 is the 15.5 Section which refers to natural habitat protection and protection of extinction of endangered species. So that is a significant goal that 193 countries have committed to in the world. Just to update what is going on in the world. Beyond the town of Newington.

Chairman Zelek: Thank you. Invasive Plants, Kathleen?

d. Invasive Plants

Commissioner Clark: Nothing new.

Chairman Zelek: All right, thank you. Commissioner Bachand.

Commissioner Bachand: Can I add on to something about.

Chairman Zelek: Vernal pools? Go ahead.

Commissioner Bachand: You know the time of year is fast approaching where the vernal pools will become active. We have a very robust vernal pool on town property. We all heard about, we all focused so much on that one on the Balf property, but we actually have a small one in the southwest corner of the former Markat property. It is fairly easily accessible, you have to go up behind the water tower up there, it is approximately, I don't know, 500 or 800 feet southeast of the water tower. But it is very interesting and you have to catch it at the right time. But those wood frogs and the tree frogs breed there and very robust and it is pretty amazing. The wood frogs actually freeze solid, when it was below zero, their bodies actually freeze and it is one of the only animals that does that, that actually has not bodily function whatsoever, no heartbeat, no breathing and then is re-born, if you will, which is pretty interesting. I have yet to find one myself in all the time I spend up there, but you can hear them, they make a quacking noise and then you can see the water moving around, but like I said I didn't, I have tried catch them and catch a picture of them. I haven't been able to, but it is pretty interesting, maybe we could.

Chairman Zelek: Is there going to be an effort with you and Commissioner Paskewich to do an inventory of the vernal pools?

Commissioner Bachand: When you say an inventory, what do you mean?

Chairman Zelek: Actually going out and identifying vernal pools, working with a vernal pool expert so we can actually mark these on our inland wetland maps.

Commissioner Paskewich: I have some exploration on that most recently and it is a little bit more concentrated in education to do that. I am going to be in contact with someone at university whose worked with a lab and produced some publication on those areas and I am going to approach them and ask them if they could provide us with some guidelines or outlines on how to do it in a technical manner. I am not a scientist in that area and to approach it and inventory, we need some guidance I feel.

Chairman Zelek: I think the gentleman that we had in here once before, he did a presentation on vernal pools, offered that type of service. If you want to maybe contact him. I will look back into the record and get you his name.

Commissioner Paskewich: Ok, certainly.

Commissioner Bachand: But anyway, the one that we have is an incredible, that little one, as small as it is, is easily accessible at is, it is pretty remarkable and it is a living classroom. I could imagine someday a school, field trips could bring kids there, I mean it would be real hard to catch that, they are only active for literally maybe up to a week once a year so it would be hard to catch it right at that moment, but it is interesting. I know of three at least on Cedar Mountain, but only one that is on our property.

Chairman Zelek: OK.

Commissioner Paskewich: I will send you some information on expansion on that.

Chairman Zelek: Ok, thanks. I want to go on to Public Participation on Non-Agenda Items. Any members of the public that wish to speak, please come forward.

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
(EACH SPEAKER LIMITED TO 2 MINUTES)

Chairman Zelek: Seeing none, we move on to Communications and Reports.

IX. COMMUNICATIONS AND REPORTS

Chairman Zelek: Chris and I met before this and I mentioned that we should brief the commission on those two permits with possible violation of conditions.

Chris Greenlaw: Yes. It is have realized recently that there has been, actually within the last month, there have been developers on individuals interested in development parcels coming forth with Mylar's, some 8 years after approvals from P&Z and the wetlands. We have as a standard condition that I don't have memorized, in short that states when the Mylar's are produced and brought in to the town for acknowledgment of the commission via the chairman for signature should be done within six months. So, we have informed those individuals that we would be adhering to this condition because it has been such an extraordinary amount of time. We are not talking a month lapse or even six months, we are talking 8 years. So there have been two inquiries, there has been correspondence back to them. This addition I am speaking of is a standard condition. So we, the town, have not been challenged as of yet. One I believe is lot 5 on Costello Road and the other is one of the most recent proposals as Hayes, I am not sure which corporation he was representing at the time, and subsequently to the best of my knowledge, the developers are nor pursuing those approvals at this time. I know that with Mr. Hayes, he is pursuing an additional site plan for the site, specifically I'll be inquiring with the planner to see if he is still electing to have those Mylar's signed and filed by which the chairman indicated he would not be signing until we had a clarification, all be it, an attorney.

Chairman Zelek; Condition number five is quite clear in its wording that the permit will be null and void if the condition of presenting those Mylar's for the site plan are not presented in six months. Again the condition was quite clear, it does say the permit will be null and void.

Commissioner Block: Excuse me Mr. Chair. Are you saying that condition already exists?

Chairman Zelek: The condition already exists, it is one of our standard conditions.

Commissioner Block; That's what I thought.

Chairman Zelek: So the Mylar's were never presented within six months for the chairman to sign.

Commissioner Block: That permit is void.

Chairman Zelek: Right, these are applications, permits that were issued back in 2007 and 2008. So they are just coming in now with their Mylar's.

Commissioner Block: Well forgive me, but just for the record, if the Mylar doesn't come in within six months, the reading of the condition is that the permit is void.

Chairman Zelek: Correct.

Commissioner Block: So therefore, if they are coming in now, they should be submitted a new application.

Chairman Zelek: Correct.

Commissioner Bachand: But they've almost sounded like and I think that, because I was at TPZ and I even talked to the planner about it, but I am not clear on it, at first it was referred to as a modification, but how can you have a modification to a void plan and also on this same map here that Mr. Brecker is presenting with the National Welding site it shows a grading easement.

Chairman Zelek: I don't want to talk to anything regarding that plan specifically that needs to be done during the public hearing. So right now are just talking about condition no. 5 and briefing the commission on the two permits that are null and void.

Commissioner Bachand: I will just say that on the, I'm sorry Commissioner Clark, it is quite interesting because on a site plan, there is no filing requirement whatsoever, it could be 10 years later to get them signed. That is what is going on up on the hill up there, but subdivisions are six months, I went through this with property next to me, there was a little controversy over it and apparently, now we understand on wetland permits it is six months, but on site plan approvals, at least according to the planner, there is no limit, which is kind of odd to me, but he assures me that that is pretty standard across the region.

Chairman Zelek; Well, again TPZ is one entity and we are another and we have a very specific condition.

Commissioner Bachand: I think it is a good condition.

Commissioner Block: Motion to adjourn.

Chairman Zelek: I believe Commissioner Clark had a question.

Commissioner Clark: No, I was just going to state that I hope we stick to our regulations.

Commissioner Block: Motion to adjourn.

Chairman Zelek: All right, before we go adjournment, any other comments by commissioners? Ok. Motion to adjourn proposed by Commissioner Block.

X. ADJOURNMENT

Motion by Commissioner Block, seconded by Commissioner Manke; it was unanimously voted to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary—Conservation Commission