



NEWINGTON CONSERVATION COMMISSION

Tuesday, March 15, 2016

MEETING MINUTES

I. CALL TO ORDER

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

II. ROLL CALL

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

Also present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes of the meeting held on March 15, 2016 are verbatim.)*

Chairman Zelek: Ok, I have one open seat, last time I appointed Commissioner Paskewich, so this time I am going to appoint Commissioner Bachand to sit for Commissioner Block until he arrives. If we are doing any voting this evening you will remain seated through that particular item, then we will reseal the commissioner if he does arrive. Going on to next item Public Participation of Non-Agenda Items. Any member of the public wishing to speak please come forward.

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 February 16, 2016. Any additions or comments? Commissioner Clark.

Commissioner Clark: On page 3, in the first paragraph the third line, it says public right away, I would think that must be right of way; and the next paragraph it says topographic survey on the third line, I would think, is that topographic survey?

Commissioner: It would be.

Commissioner Clark: Then, just one more a little further down, the same paragraph, the sixth or seventh line, it says in form the northwest corner and it should be from the northwest corner.

Chairman Zelek: Thank you, Commissioner Igielski.

Commissioner Igielski: On page 24, about the middle of the page where I make the motion, the last line preceding paragraph A, should read and issue a permit by plenary ruling, not preliminary. On page 25, the first sentence towards the end, their testimony that they instead of the. That's all.

Chairman Zelek: Any other commissioners? Commissioner Paskewich.

Commissioner Paskewich: Staying on page 25, bottom of the page, second paragraph up where it speaks to my last name, regarding he sustainable development goals, I imagine that would be the, its just a typo.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I only found one little typo, it was on page 21, third line up from the bottom of the page, it is supposed to be bringing not brining.

Chairman Zelek: Thank you, any other commissioners? Can I get a motion to accept the minutes, please?

Commissioner Igielski: Motion to accept the minutes as amended.

Chairman Zelek: Second from, Commissioner Clark?

Commissioner Clark: I second.

Chairman Zelek: Thank you. All in favor?

All commissioners: Aye

Chairman Zelek: Opposed? Abstentions? Passes unanimously. Moving on to the next item Public Hearings. First item is 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: No, updates at this time Mr. Chair.

Chairman Zelek: This is a public, any member of the public wishing to speak on this item, please come forward and state your name. See none, we will move on. We will table this item

Commissioner Bachand: Can I just ask one question?

Chairman Zelek: Yes, you may.

Commissioner Bachand: Regarding LID's, I just wonder where we are at, because I have attended TPZ meetings and they are kind of wrestling with it to, so I just wonder whose ball or whose court is the ball in, if we are at any juncture? For the public to know. I don't know myself.

Chairman Zelek: I will turn it over to Chris and he will explain.

Chris Greenlaw: Currently at this time there is a moratorium on the LID for residential houses, not new construction, but for renovations and that has been under a moratorium for over a year and what we are waiting for is a determination with Planning & Zoning such that we want to be in stride, so before we adopt our regulations and we have regulation changes in addition to LID, when we do them all, we want to make sure that we are in stride with them. So, we are waiting and we are watching for them to solidify their regs and it would be prudent to stay in stride, this way when applicants come in, residential or commercial, all the regs are the same for all applicants for both commissions.

Commissioner Bachand: So who actually has the final say of what regulations will be adopted? It is us, or TPZ or Town Council?

Chris Greenlaw: They ultimately are going to update their regs accordingly, we are ultimately going to bat second, we are going to look at our regs for LID, we are going to be looking at our regs for legislative changes, we are going look at our regs for just the general regulations we have and then when we change ours, ultimately, after we have our subcommittee and to get them adopted we have to go to council. So we have a lot of work in front of us and as I said, it would be prudent to see, we want to follow with the other land use commissions.

Commissioner Bachand: One last question. Who is going to enforce it or who is going to hear the application? Let's say an application comes in that has an LID requirement, does it just stay at TPZ or are they going to bring it here?

Chris Greenlaw: Well currently, you know you have to remember, LID regulations are in place and we have seen for the last few years, not only applications for the wetlands, but applications

for TP&Z that require the LID regs. The commercial regs are in place, they just have a moratorium on the residential before they button up their regs, so the plans that you see before you, the applications you have seen before, I mean going back at least, many years, even in advance of the LID regs being incorporated, we were requesting applicants' consultants to incorporate LID. So, currently there are LID regs and they are being implemented in the plans currently.

Commissioner Bachand: So if there is no wetlands on the site, then really LID has nothing to do with this commission then.

Chris Greenlaw: Not at all. It is a topic in-itself. Two things, I would ask you, the regs are available on line, to look at those, but the regs, the LID regulation for commercial business, for new houses has been enacted, it has been implemented in site design, it has to do with low impact development for those types of sites and it has been implemented.

Commissioner Bachand: Is that retroactive for plans that were approved before the LID's went in to effect?

Chris Greenlaw: I don't know if I understand your question, but since I believe it was roughly 2014, we formally started requiring the LID and it actually, it's almost a sub___. I hate to use that word, it is storm water on steroids. Where basically it is storm water design and it is specifically geared to acknowledge what pollutants come off the land, what can we do to mitigate those pollutants, store that water and the bonus would be to actually try to get some of the water to permeate into the ground, but that is a difficult task here in Newington. But that is the charge of the LID regs. Educating people, letting them know what they can do, even without a site plan application, what they can do with their house to capture storm water runoff, educate them about pollutant and about additionally the mechanism, the methods and techniques specifically to incorporate on their plans our outline in that manual.

Commissioner Bachand: Thank you.

Chairman Zelek: We are going table this item and we are going to carry it over to the next meeting, so we are tabling that for now.

Chairman Zelek: For the record, I would like to note that Commissioner Block arrived at 7:08 and Commissioner Arburr arrived at 7:10. I am going to ask the commissioners, this applies to all commissioners, to please be on time to these meetings to avoid any obstructions. I am going to...

Commissioner Arburr: Mr. Chairman.

Chairman Zelek: You are going to wait to be acknowledged before you speak.

Chairman Zelek: Commissioner Bachand, you will yield your seat to Commissioner Block, he has arrived. We are moving on to the next item Application 2016-02A, 690 Cedar Street – Wetland Map Amendment, if the applicant is here, would they please come forward and state their name.

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

Chris Greenlaw: If I may, Mr. Chair, read the announcement for the public hearing into the record.

Chairman Zelek: Yes, please

Chris Greenlaw: This notice of publication I believe was in the New Britain Herald, the start date was 3/03 and ended 3/10. Notice of public hearing for the Town of Newington Conservation Commission, Town Hall, Helen Nelson Meeting Room, Tuesday, March 15, 2016 at 7:00 p.m. The Newington Conservation Commission will hold a public hearing to consider the following: Application 2016-02A, 690 Cedar Street – Wetland Map Amendment for the former National Welding property. All materials and plans relevant to the above application are on file with the town engineering office. Dated at Newington, February 18, 2016, Jeffrey Zelek, Chairman, Newington Conservation Commission.

Andrew Brecher, Economic Development Director for the Town of Newington, 131 Cedar Street, Newington, CT. Thank you all for convening again so that we can push this process forward. I believe as many of you are well aware, the demolition and remediation project at National Welding is wrapping up its current phase, in fact hopefully this week we will remove the last bucket, buckets full of contaminants that will be disposed off site. Developer interest in the property is increasing and we know that one of the housekeeping tasks that has fallen to our responsibility is to make our current wetland map accurate to reflect the conditions as they exist today, even though abutting property owners, Hayes Kaufman and the DOT, have undertaken development activities in the vicinity of the National Welding property, going back to 2007. Neither of them formalized what they did by coming back to the commission and requesting a map amendment and so that we don't have a stumbling block with this later, we went and proceeded to do what is necessary so that you can make the determination of what is great and proper. Knowing the proclivity of this commission, and its requirements to not just rely on informal walkabouts and survey and the need for science to dictate what the actual wetland delineation should be, we hired Clinton Webb and Associates last year. They undertook a characterization of the area, delineated new wetland boundaries, and prepared a report which all of you should have. Abutting property owners, Hayes Kaufman and the DOT have been notified of our proposed amendment and both have consented. I thank you for putting this item on old business as well tonight, I encourage you to listen to Mr. Webb's presentation, to grill him as you see fit so that we can dispense with paying him any more to have to attend more meetings and prepare more reports or what have you. So, with that, I am going to turn it over to Mr. Webb, and thank you for your consideration.

Clinton Webb: For the record, my name is Clinton Webb, I am a wetland ecologist and one half of the team that worked on this. The other half is Ian Cole, a registered soil scientist. Unfortunately, he had a family emergency this afternoon that took him back to New Jersey to take care of his mother, so he won't be in attendance this evening. We are tasked with going out and delineating the wetlands as they occur today, as they exist today and those boundaries and those were surveyed by the town staff and the map was prepared by town staff. The map that you have up on the screen is an overlay showing previous work done, both by adjacent land owners and by the

DOT. Maybe it will help if I stand up close here. So before we got out there, the property would be which way are we going, here to the north.

Chris Greenlaw: Excuse me..

Chairman Zelek: North is to your right.

Clinton Webb: Oh, ok, so north, so this is to the west and this property owner got a permit to fill this wetland and prepare that site for development, unfortunately he did not prepare a wetland map amendment so it still exists on the town map. DOT came in here with their access way, created the Fastrack Cedar Street Station and a bus way and they further filled wetlands that were noted on the town wetlands map and because they are the state they didn't bother to file a wetland map amendment either. These, the configuration of the former wetland system was this kind of broad band that was fed by what I am assuming must have been a side slope seep that formed a channel and made it to this wetland and this wetland system goes all the way to along the railroad tracks and it kind of parallels Fenn Road until you reach the next station actually. So they came in, they reconfigured this wetland into what was supposed to be a dry storm water detention basin, not a retention basin, so the water is supposed to hold in there immediately after the storm, during the storm and then drain out and be somewhat of a dry basin. They didn't hire C. Webb and Associates, so the design was not done properly and it holds a lot of water all the time, even during dry spells. So we, even though this is riprap slope all the way around here, we still dug down and found what has developed into wetland soils or was wetland soils that they placed there. This flag line is actually above the water line and a little ways in to the riprap, so this is our delineation the green line as to what exists today and then on the other side of the actual bus way our green lines here. You can see that some of the wetlands previously are now filled, and some of that fill was moved over for what ever, that line probably wasn't that accurate anyway, so we are right up to the edge of their bus way, basically the toeslope is this huge wetland system that you see there. So once the town surveyed those boundaries, Ian Cole and I checked them and verified them to make sure that the map was accurate and they applied the 100' upland review line to those wetlands as they exist today. It is, in the first submission of my report, somehow photo 4, which is referenced in the text fell off, disappeared or whatever and so when we got ready for the meeting last September, October, I did submit a new version or a new copy that has photo 4, but I believe that some people don't have that version, so I can hand one, I have only one with me, but I have one with photo 4 if you don't have it for the record.

Chairman Zelek: Is it something that we can have electronically sent to us and add it to the record?

Mr. Brecher: Yes.

Mr. Webb: So I did submit a new copy, but it may not have made it from the office to you guys if you don't have this now.

Chairman Zelek: I have not seen it.

Commissioner Bachand: We don't have any report, or was that in our last packet? We have nothing, we only have the maps, there is no report.

Chairman Zelek: The two maps came in the current packet.

Commissioner Bachand: Yes, did the report come previously?

Chairman Zelek: The report added the photograph to that report.

C. Webb: Yes, I can give you one copy now if you want it.

Chairman Zelek: Why don't you resend the report with the addition to it so that everybody has the most current report with the photographs.

Chris Greenlaw: What is the date on that report so I send out the correct report.

C. Webb: Well, it is August 11, 2015.

Chris Greenlaw: It has been revised.

C. Webb: Right and I sent it Eric [Hinckley].

Chris Greenlaw: Is there a revision date on it? or?

C. Webb: Well, no, I didn't put a revision because frankly when I called it up on my computer the photo was there, so I don't know how the photo got stripped out somehow.

Chris Greenlaw: We will verify the report with the photo, with the consultant and then send it out to all the commissioners.

Chairman Zelek: Ok, thank you.

C. Webb: But I can submit one copy tonight.

Chairman Zelek: For tonight, sure.

C. Webb: If I knew that issue earlier, I would have brought more copies. So as Mr. Brecher mentioned we want to clean up all of this confusion and three different versions of the wetland boundaries before we move forward with developing that property. So I am open for questions.

Mr. Brecher: If I could just add one thing, as promised, following your session last month with the MDC and their request for a map amendment which was very confusing, we have given you two maps, the one that is projected up there, the one that shows kind of the ghost lines of the old wetlands and then a second map which I believe is what you were focusing on last time with the MDC that shows you precisely what the new map would look like should you adopt the plan.

Chairman Zelek: Thank you for anticipating that.

Chris Greenlaw: That is an excellent point, and perhaps the consultant can point out on the map first. This is the working map that we would normally show you and then what I want to do is I want to show you, if approved, what the final map would look like and that will be next. Perhaps...

C. Webb: Do you have that on the...

Chris Greenlaw: I have that, but before we show it to him, perhaps, if you could show the limits of your field investigation and the result in change and where you blend in. Point to the existing wetland and upland review and the proposed wetland and upland review and where they intersect so they know where it blends in to the existing line.

C. Webb: Ok, yeah, that's a good point. So, if you look at these black lines, that was the existing or preexisting wetland before DOT came. So they, at least as the town wetlands is portrayed, they then expanded this whole area, dug this out, the non-wetland area to create this very large storm water treatment pond and the tied down to the existing wetland, outside wetland boundary here and the existing boundary here. We know that because that because, my green line now shows how the preexisting wetland ties into the new wetland. So they went from this much to this much in order to create that, and they planted it with various, it was supposed to be a wet meadow, it turned out to be more of a pond, than a wet meadow. Basically, they were trying to compensate for the filled wetlands on this side of the track in this area. So, this is basically total slope, this is riprap slope behind Stop & Shop, and then riprap all the way around this green line. We only went back, we went a little father that we needed to do, just to establish whether or not the 100' upland review would encroach into the National Welding site. That is why we didn't keep flagging out this way, same thing on this side, we wanted just to establish where the existing wetland is so we can find out where the upland review. So we have two upland review areas on that site which, you know when this moves forward in development whoever comes forward to come before you.

Chairman Zelek: To summarize, you are presenting an map that has contiguous wetland delineations on it. There is no fractured lines anywhere.

C. Webb: No, we just tied right into whatever was existing.

Chairman Zelek: I know that the commission has been very interested in making sure these maps are clear and fragmentation is a concern, so I just want to make sure that the commission understands that the applicant is addressing that concern of the commission. Commissioner Block.

Commissioner Block: Yeah, a couple of questions. The first if Myra Cohen way seems to fade out in both ends, you only show if through the upland review area apparently. Is that in, I'm not familiar with the local of that, is that a paved road and where does it extend to?

C. Webb: Yeah, it extends to Fenn Road in that direction and there is a traffic light there. These lines represent the limit of the right of way and the easement, I am not sure if it is paved to that width.

Chris Greenlaw: Yes.

Commissioner Bachand: It is not that wide paved, but it is paved all the way down to the bus way.

C. Webb: And then this, basically, yeah it is probably, Chris do think this represents?

Chris Greenlaw: It is at least 28'. We put that there for reference and just so you could appreciate, the experts did the delineation because, again this map amendment is for the benefit of National Welding. There is other beneficiaries, we are doing the work of DEEP and Hayes and other wetland permits where they were allowed to do work and fill and eradicate, but notice they never did a map amendment. So, what we did was once this was mapped in the field, we provided the survey and the base mapping so this is just for reference so that when you go out there you could stand. We didn't want to put too much information on there, we wanted to show you the working map, but what is important on the road if you go and stand in the field we show the basins where they are so you can orientate yourself, stand on a basin, look down at the outlet and say oh at the bottom of the outlet that is where the new wetland is and you can field inspect that. So we wanted to give you some reference without confusing you and what we did further was we listed from our experiences, perhaps with, I won't name any other consultants, well the full built map if this is approved, what we would do is take the working map and then generate a final map and incorporate into our official map and then, this is what Mr. Block referred to last week as "make sure there is no broken teeth". So ultimately, once all the data is reviewed and if this map is accepted, the base map will plot, this is now what was a small watercourse is now a large ponding area and then here is the resulting upland review and where it ties in. This is existing on our map now, so it is seamless. I think Mr. Block pointed out on that other map, it was a working map and it appeared to have some broken teeth, jagged lines, so I wanted to show you that ultimately, we are keeping track of this and what we would get from consultants, we would take their working drawings and then incorporate it into our final map. As part of those changes that we talked to LID, I don't want to confuse you, but ultimately we will be updating our map as well, with all these map amendment we have been doing. But this is what the final map would look like. So you can go into the field, you can sort of see Myra Cohen, you can see the basin here, and there is an outlet and there is another outlet here, so you can use that as reference points to what that would look like.

Commissioner Block: Chris or the applicant. But the question is, I am looking for is, I am presuming that Myra Cohen way extends down to the white area where the CT Fastrack legend is.

C. Webb: Yeah, actually it is all pavement, from a, there is a chain link fence around the top of the slope and it goes right from that corner to the property line where it swings out, comes around here and all of this is paved, all of this is paved. That is that station, the parking.

Commissioner Block: Oh, ok, so that is already utilized.

C. Webb: That is correct.

Commissioner Block: Ok, because it is not vacant land that we need to consider as to the future.

C. Webb: No.

Commissioner Block: All right, thank you, that answers that question.

Chairman Zelek: Ok, so I just want to say to the commission, I want you to be as thorough as possible on this particular application. The reason being, this is town property now, National Welding site, it is surrounded by privately owned, developable property. To avoid any conflicts in the future with any land owners, whether it is the State of Connecticut, the Town of Newington or the privately held pieces, I want this map to be 100% accurate and a true reflection of what is out in the field. With that said, for the record, I know we have some new members that may not be fully familiar with our regulations in their entirety, Mr. Secretary if you could read into the record for us the definition of a wetland and a watercourse, because those are two pieces that we are going to be discussing with this application.

Secretary Igielski: "Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the Conservation Commission 6 Adopted January 19, 2010 Regulations presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

Chairman Zelek: Ok, so with that definition being read, I would just like to ask the soil scientist if everything that they have surveyed complies with our definitions and according to our regulations.

C. Webb: That is correct.

Chairman Zelek: And all of those items are shown on your map.

C. Webb: That is correct.

Chairman Zelek: Thank you. Commissioner Arburr.

Commissioner Arburr: A comment was made was that we want to have a picture of what is there today. As I look at it, if I wasn't aware of what was there, it appeared to me that the land was not developed. Wouldn't it be prudent to show, say just the edge of the road and the limits of the parking to show that you physically have these facilities in place.

Chairman Zelek: I agree that that would be helpful to the commission, Chris any comments?

Chris Greenlaw: Although I think it is appropriate for the consultant to ask, again, we are talking about the alteration of the existing wetland map as it relates to these other parcels. So we are not talking about a use at this time or a footprint or activity, we are simply talking about empirical data for boots on the ground for delineation of the wetlands soil. So if its as far as an orientation of whether we can offer an aerial map or something along those lines and that is why I tried to add some features such that if you were in the field you could stand on the road and be able to observe from a pretty close distance the relationship of the body of water that you will probably see evident in the field that is quite coincident perhaps with the wetland line and that is where the consultant should comment on, I believe you said that the wetland line was almost coincident with the water line, perhaps of the basin that is there.

C. Webb: Yes, well to go back to the definition by U.S.D.A.'s natural resource we actually went a little deeper in those areas than the 16-20 inches which is the limit, whether it is fill or natural, that is where you would find the aquic not aquatic as the secretary said, the aquic soils and so what you have there is the wetland boundary, even though if you went out there today and if they are still there I don't know, but you would see the flags you would say why did they put the flags a couple feet up into the riprap? Well that is because, essentially at some time, at some time during a storm event or during a seasonal thing, the wetland is actually up a little ways on the riprap and then the same thing on the paved bus way itself which is to the east. Basically, I could give you a description of what the area looks like now. All right, the National Welding site is all open, graded soil, a crushed rock area. The lot immediately to the west of it and south of the bus way entrance road is all unvegetated, just graded rock and soil and then above that is the gas station on the corner of Cedar and Fenn, then moving to the north it is all paved with curbs and storm drains the entrance from the traffic light all the way down into the site. Everything is paved within 25 feet or so of that wetland that we delineated to the east side and pavement obviously and/or built structure, sidewalks and so forth. It is 100%, there is a little bit of green space in between parking spaces with a couple of trees, but other than that it is pavement all the way around the south, east and north side of National Welding and then the west side is just graded stone fill, about I am going to guess 10-12 feet higher than the National Welding site.

Chairman Zelek: So to piggy back on what Commissioner Arburr's question, what does it look like now. I understand that there is pavement, my question is going to be, can you show us on

the map where you took your soil samples from and why you took them there and why not other areas on the site.

C. Webb: Sure.

Commissioner Arbur: How much work would it involve just to show the outline of the paved area out there? I don't see it as a, personally as a major project, it is a major project just to show the edges of pavement where the parking?

Chairman Zelek: Is it something we can have for our next meeting?

Mr. Brecher: Yes, certainly. I don't know exactly what would be involved in trying to overlay on this map, unfortunately the town's GIS person left and I don't believe a replacement has been hired yet, but we will be glad to provide either that document or something as close to is as we can get if it was an independent view. But I am slightly curious as to how the developed area affects what the subject of this hearing is, which is the wetlands.

Chairman Zelek: Because we want the map to be 100% accurate. We want to understand why some areas were not tested for wetland soils and that reason may be that their already developed, paved, so that is why I am asking the soil scientist to show us where he took his samples, and why he wasn't able to take samples in other areas.

Mr. Brecher: By all means, let's hear it.

C. Webb: In the eastern area, you have the easement lines here through the paved bus way, and then there is guardrails and then there is a riprap slope that comes down to that line and then if you were to see the state maps, which actually if I had known that you guys had these questions, I would have brought the actual state plan.

Chairman Zelek: So, actually, I think that the other map might be more helpful. The one that shows kind of like the current wetlands versus.

C. Webb: Yeah, you are right.

Chris Greenlaw: You have to bear with me, budget cuts we don't have a mouse any longer.

C. Webb: Ok, so let's look at this area. You can see this is a wetland boundary and the reason it drops there is knoll where the station is built, but that line actually comes back and goes like that, just an outside area. We only went up to that because that was all that was need to do that, but if you look at this black line, that was the line that was on your map, and that turned this way and this was primarily a forested swamp and after the state developed it, the toeslope and the bottom of their slope poured the fill of the bus way itself, and it basically coincides with this. Their toeslope line is actually a little straighter than our wetlands line but where we went up on the slope, where we still felt it met that definition that is in your guidelines. Where even though there is a little bit of fill, it is still considered a wetland because we could find wetland indicators within 20 inches or less.

Mr. Brecher: Can you point out where your borings were taken or your observation points?

C. Webb: All along here, each one of these is a flag number and because this was kind of an irregular line, except for this area here, we had to do a lot more boring in order to establish that and is comes around. So now, what you have here, and I'm not sure how that related to the construction of the project or where the forested swamp, how far up that came, but there is some grass area right here and there's a small narrow buffer of pervacious wetland plants before and then you have the wetland swamp that goes all the way across.

Chairman Zelek: Why do we stop here?

C. Webb: Because, basically we are off the site as far as the 100, we are looking to see what the upland review. This is all completely paved, there is not place to take a boring without a drill.

Chairman Zelek: Any borings taken in this area here and if not why?

C. Webb: Ok, well in this area, actually we took some borings here, but mostly over here because we were trying to see if was any limits of that but it is so far on the fill, we went down, it was mostly fill material so it was easy to get through here. We did one here and one there just to make sure.

Chairman Zelek: So, you did some here, but I don't see them really indicated, but I know you are telling us they are here.

C. Webb: We don't flag the boring, we flag the edge.

Chairman Zelek: And this section up to the west that was filled, what did you find up there and how many borings did you do?

C. Webb: We did three. We did one at the entrance of this because there was a little bit of water there, but this was all brand new and it was just a grading thing, just a storm water pipe that comes across and then we did 2 here because we couldn't really tell in the field where that property line was. Basically we went down, it's a big long 2 to 1 slope...

Chris Greenlaw: Pretty close, yeah..

C. Webb: Pretty close to 2 to 1, so were able to go right down to the handle on the auger.

Chairman Zelek: Were your borings on the slope?

C. Webb: On the slope, yeah, because there was nothing at the bottom of the slope.

Chairman Zelek: Ok, up in that area where the wetlands preexisted.

C. Webb: Yeah.

Chairman Zelek: Ok. Now there was another area of wetlands I believe, isn't there? There was a pond in the area at one time, right? So I had, I know a little bit about this because I was on the commission in 2007 when, and Commissioner Block, I will ask you if you recall this, there was a permit, an application for permit that came before us, there was a pond, there was an easement and a request to fill some wetland on that site. When I met with the town engineer earlier this week to get briefed on this, the first thing he did was present me with a map, it was an overly, from application 2007-02 which shows the old wetlands pretty clearly and what was requested to be filled, so if the applicant is ok with it, I would like to introduce that as a document for reference so that the commission can understand where the wetlands existed prior to the fill in.

A. Brecher: I don't have any objection to your looking at whatever documents make you feel comfortable, though I do want to redirect you to the fact that our application is to make the wetlands map accurate as of today.

Chairman Zelek: So, would like to hand these out and refer the commission to them.

Chris Greenlaw: Just two points. You will see with this Wetland Map Amendment 2007-02A, you will see that the wetlands as mapped, they were mapped I believe by REMA prior to the work that commenced for the applicant. When REMA went out, you will see that he noted, he has wetlands flagged on this application, on this application that wetland mapped ___ for that map amendment. For this wetland application, it's coincident with what we have on our map. So you can see the iterative process as people come in for applications and apply to do work, it is filling the wetlands, without a map amendment this gets very blurred, very gray. So the town walks it like it talks it. We requested *[inaudible, people talking, maps being folded]*. One thing I want to point out and I believe this is to Mr. Arburr's question, that the applicant here before you in the Economic Development Coordinator on behalf of the Town of Newington. We bolded our parcel line as our interest. So what we did was we had the soil scientist engaged in the task to do, in accordance with USDA for testing of wetlands and watercourses, he did his tests around this property. Seeing that this was originally a rail line, we don't see much difference along this property line, you know as far as the toed slope. We ended here because the 100' radius from *[unaware tape ended]*. There would be questions with this commission that this was the original wetland right here and now there is this large change, the soil scientist carried his lines to a point where we would blend in, so therefore we didn't show the features on this property because the impact of the wetlands are for our subject property, ok, so that was the intent of why they went farther, because we knew there would be questions. We used to have a linear wetland, now we have a very large wetland, how do we tie this in and quite frankly we did our diligence and took it to a point where it did blend in, a rational point.

Chairman Zelek: While you are up there, can you show the commission roughly where that pond was and I believe there was a small watercourse that flowed out of it.

Chris Greenlaw: It is not evident on the plan, but...

Chairman Zelek: It didn't really come through on the photo copies that were handed out. It was kind of ghosted on the mylar, so I am going to ask Chris to give us a rough indication of where

as far as where that old pond and watercourse was and then the second application that we had to fill at the bottom of the slope.

Chris Greenlaw: You could do this with the maps you have and hopefully they are the same scale, I believe they are. But if you kind of superimpose one map on top of the other, you would see that the wetland area, as shown on the 2007 map is what is reflected here and in addition on the 2007 map there is an additional 100' review, because prior to that application it was asserted that there was a pond in the area with a stream. In 2007, George Logan went out in the field, did his borings and put wetland flags to delineate where the wetland was. The commission, at that time, allowed him through the application, to fill the wetland area and to eradicate that wetlands that were there for his development. Subsequently, years later the DOT or the DEEP application came in and they were allowed to fill the remaining wetlands here and do all this work here and here. This was never memorialized, so as a good housekeeping method we took it upon our selves, before we went forward, understanding the amount of work, the extent, there has been multiple applications proposed by the developer, there has been a large amount of work, a very large amount of work done by DOT. We said, rather than having all the questions, the prudent thing to do is get a map amendment memorializing what is actually there for wetlands. Now the DEEP, the DOT and the developer are beneficiaries as well to a certain extent because we've done our homework and that is what the empirical data is speaking to and that is what you see here. So much like in 2007, here we are now showing that these wetlands have been allowed to be filled and this is what's being offered, this data, for you to consider for this map amendment application.

Chairman Zelek: I am going to ask a question because I know members of the commission are going to ask the same question. Mr. Webb, when you were out there did you see any intermittent water courses as defined by our regulations? The reason I am asking is, as the engineer explained, there was a pond with a water course flowing out of it, there was another water course up there that was filled, so where did that water go once it was filled and is there any channel today running under Myra Cohen Way that could be considered an intermittent water course according to the definition and our regulations.

C. Webb: The state has put a culvert to drain the National Welding site under Myra Cohen Way and we checked the inlet of that, it is all brand new, it is not near where the original wetland that Mr. Logan noted in his 2007, yeah, so that culvert is there, but is it a culvert that will carry storm water flowage, you know when the site is developed. Now, because there is no, the site is completely, both sites National Welding and the other site are completely exposed soil so there isn't very much in the way of run off, but when they are developed with impervious surface and buildings and parking and stuff like that, that is what that channel, I am assuming that state engineers, trying that height because of the required 25 year storm event underneath the road. The only place that we observed from a distance, a watercourse would be all the way to the north at the edge of the parking lot which isn't even shown on this map.

Chairman Zelek: Ok, just again, I want you to state whether or not according to our definitions and our regulations if you have seen a watercourse in that area.

C. Webb: No, that area is completely filled and it has no attributes. I can give you a set of the USDA guidelines that your commission goes by, I have the whole thing here that describes the process that you go through to analyze man made or man effected areas that are filled. I have done a lot of due diligence work for both the Army Corp and the EPA over the years where we go in and sometimes with a backhoe and if there were wetland there that were never permitted, as these all were permitted, we can forensically identify that, so I know what to look for. But these guidelines, once you are passed the 20 inches of fill, it is no longer a wetland even if there is a wetland buried under there somewhere. That is 18 feet deep, that is a long way to go down to figure out if there is a wetland.

Chairman Zelek: So, I have seen a number of hands going up from the commissioners, I will try to get to all of you. Commissioner Paskewich.

Commissioner Paskewich: I am not quite sure what I am hearing so I am going to ask you a question. Was there a watercourse there?

C. Webb: Previously, obviously in 2007 there was.

Commissioner Paskewich: Ok, now it's a piped.

C. Webb: No, it's been filled.

Commissioner Paskewich: It's been filled, ok.

C. Webb: It has been permanently filled and not pipe existed after that fill.

Chairman Zelek: So where does that water go when it's filled and there is no pipe?

Commissioner Paskewich: Right, that is the question.

C. Webb: I mean, previously to CT Fastrack I think the water rolled off of, is that the Haye's property?

Mr. Brecher: Yes.

C. Webb: So, off the Haye's property which is significantly 16-18 feet higher, it rolls off of that on to the National Welding and it rolled through the railroad tracks and out to the wetlands. It no longer was able to go that way.

Chairman Zelek: I want to get to Commissioner Bachand. He has been very patient.

Commissioner Bachand: Can I approach the map up there?

Chairman Zelek: Sure.

Commissioner Bachand: I can explain a lot because I have been following this with TPZ. Right up here there is a large area of property given to Hayes in an easement for grading, so that last hand out that we all got, it shows that 20' slope on this property, right now it is on our property over here. So right now, and I am sure it's not intentional, but there is a temporary basin that is holding water at the bottom of that slope which is way down here. I don't think that is intentional. Like I said, I don't know if that has any bearing on the wetland mapping, but there is a large body of water that has been sitting there for months now, all through the winter, so I have some serious concerns over that grading easement because of a lot of technicalities, but, anyway, this water here is caught in a pipe, there is catch basin here, there is a catch basin here, it all comes in here and it comes out under the culvert into this area that that's in a concrete pipe. At the bottom of the slope there is piping too and catch basins I am assuming was the work, even though it's on town property, was the work of the Hayes I guess because they are the ones that got the grading easement. So my concern is we kind of inherited a lot of their water and the work was not really completed in my opinion, it is on our property I guess we own it now. There is definitely standing water there, I don't know if it should qualify as a wetland or not, but it has been there for a while. If you went strictly by the wording the regulations you could call it a wetland, but I don't think that is the intention, I think it's just the construction site is pretty unsettled still.

C. Webb: It is not graded properly.

Chairman Zelek: But we can't take that into consideration for this map amendment, so any concerns over the easement or the steepness of the slope, etc. are out of scope for our decisions on this map amendment. Chris, I think you wanted to respond now to some of this.

Chris Greenlaw: I preferred your answer, it was much shorter.

Chairman Zelek: Ok, we can leave it at that.

Chris Greenlaw: Leave it at that is best.

Chairman Zelek: Commissioner Block was waiting.

Commissioner Block: Up in the upper right hand corner there is a sort of pendent shape there. Does that indicate some artifact that is on the land now, curbing or something?

C. Webb: I'm not sure what you are referring to.

Commissioner Block: If you go look up at the Hayes Kaufman Associates, the shopping center.

C. Webb: Here?

Commissioner Block: Up above that, that pendent shape.

C. Webb: Here?

Chris Greenlaw: A grass island.

C. Webb: That is a grass island in the parking lot.

Commissioner Block: Ok, that's all the development, if you go over to the next section which is the Fenn Road Associates, you are not showing any development there, but according to what I understood from the Chairman, is that property fully developed also at this time?

C. Webb: No. There nothing there.

Commissioner Block: So that property may be affected by the change in the wetlands mapping.

C. Webb: Yes.

Commissioner Block; Ok, now has the commission received any information, quite frankly from either one of those two property owners as to this pending amendment.

Chairman Zelek: We have acknowledgements from the Hayes Associates and the various properties that they that surround us, from CT DOT and from the Town, the Town Manager.

Commissioner Block: So all the abutters are accounted for and none of them have indicated any objection.

Chairman Zelek: Correct.

Commissioner Block: So therefore, the new proposed mapping as being presented is properly acknowledged by the abutters and therefore this should not any further discourse if you will by us accepting this amendment. The future development of the remaining areas, surrounding areas is now properly established?

Chairman Zelek: I don't think that precludes any bodies right to contest, but it will be our official wetlands map.

Commissioner Block: Right, what I am saying is the time to contest it would be now. If they want to present contrary information.

Chairman Zelek: Or they have 14 days after the application is approved. Commissioner Bachand.

Commissioner Bachand: What about the state, did they have to sign off on it too? Like we learned with the MDC thing, all the property owners had to give permission.

Chairman Zelek: As we said, DOT. And we have, it was sent to us, each of the signatures. I had asked the town engineer, they had sent out the signatures and I asked them to clarify with the

printed names underneath each of the signatures so we knew exactly who each of the parties involved were. Commissioner Clark.

Commissioner Clark: I would like to know some time table as far as the grading. When this map was established last September, is that correct?

C. Webb: No, previous to that, because my letter is in August, no. Well I mean whenever you submitted it, our letter was dated in August, but I think the application was in October.

Commissioner Clark: So all this came from what the site looked like in August 2015.

C. Webb: That is correct.

Commissioner Clark: My question is, I am referring to the wet place that Mr. Bachand was describing, when did the grading take place.

Mr. Brecher: I can handle this. The ponding on the National Welding site was created during the demolition and remediation process. Our work plan for the contractor called for final grading on that site, because we discovered PCBs in the crushed concrete, we stopped all work, we sat down the EPA, we developed a characterization plan which was completed and we have delineated the areas with PCB concentrations above 10 parts per million and those are all being removed. Until we sit down again with EPA to confirm what we have done and what the strategy is going forward regarding a cap on that site, we have made the decision, on advice of our environmental consultants to not further disturb the site. So you will see some piles, you will low spots, high spots. So even though contractually we can insist on our contractor completing the job for final grading we are not pursuing that at this time until we have final agreement with EPA. For obvious reasons, because we don't want to push anything around until the have agreed that what we found and how we've handled it acceptable.

Commissioner Clark: So work on the site seized when? When did the stop work, what was the date of that?

Mr. Brecher: There has not been significant work on that site since probably last summer.

Commissioner Clark: We are in kind of the same time frame. Mr. Webb made this after the construction stopped.

Mr. Brecher: What Mr. Webb observed is pretty much the same situation now. It took us 6 months alone just to get a meeting with EPA which was in October, so there has not been any work done. But I can understand the confusion that Commissioner Bachand had in terms of that lying there at the boundary on the western side. The work that was done by Hayes in creating that slope and then the work that we undertook to the east of that line.

Chairman Zelek: I heard you say there as ponding, can you...

Mr. Brecher: No I am saying, we have clay soils and we have crushed concrete from the former slab of the National Welding building. The concrete was broken up and spread. It was characterized in different categories and piles were created and those piles are still there but squashed down if anybody really paid close attention to it. So when you see a pond as it were, it is basically disturbed soils and crushed concrete and this is basically after a rain storm, water sits there and I guess I would disagree with Commissioner Bachand, that they do dry up and we know that because we've had to wait for dry for us to go out there to take samples and the like.

Chairman Zelek: Did Commissioner Bachand say that they don't dry up, I don't recall.

Commissioner Bachand: They stay wet for extended periods of time. I have been monitoring it just casually as I drive by and I've noticed them for a long time. I won't argue with him if he says they dry up sometime, then I guess they do.

C. Webb: There is no wetland soils in that.

Commissioner Bachand: Lately, in the spring they have been standing for at least a month or two.

C. Webb: Strictly storm water runoff that is caught there because they haven't done the finished grading, it's not graded correctly. When it is graded correctly, no water will sit there, it will run through that pipe.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: What is the purpose of the concrete remaining there?

Commissioner: It's clean fill.

A. Brecher: The initial, and I know we are way off the subject here from our wetlands map amendment, but since I am here and apparently we have time on the agenda I will be glad to answer. The original concept of our environmental consultant was that the site would be enhanced by stabilization using the existing pad, chopping it up and spreading that concrete would keep dust down, it would keep vegetation from growing and it would in a way keep the site in tact until future development occurred.

Commissioner Paskewich: So, expanding on that, is that concrete that's broken up near any wetlands or watercourse?

A. Brecher: No.

Commissioner Paskewich: Or within an upland review?

A. Brecher: As shown.

Chairman Zelek: So, can you show us on the map where this ponding is taking place?

C. Webb: Actually, you can see it better, no you can't. But if you can picture that map that was just handed out, that slope, that steep slope along the border here, that's indicated, this steep slope that was proposed after 2007, that land owner, the Hayes or whatever, got an easement from the town so that slope is now on this property and they needed a little bit more room to reach some zoning minimum, so the town was kind enough to move that, allow him an easement to put that slope on this property and now that water ponds right at the toe of that, in various spots, not everywhere, the toe as it makes it way to this culvert. Actually, that slope is all the way, it is not even, that slope terminates just above the new culvert the state put in.

Commissioner Paskewich: Ok, let me finish. The concrete breaks down into lime and other products. I don't know what is underneath that concrete and is it possible that when it does break down it can leach underground to another immediate area such as upland review area or a wetland or a watercourse. Because concrete breaks down.

C. Webb: Yes, it can leach into the ground, but once it is capped, that will be eliminated.

Commissioner Paskewich: That is going to be capped?

C. Webb: Yes, this site is going...

A. Brecher: Once again, at some point an application will be brought before this commission, you will be receiving all the environmental reports. My understanding is, I am not the environmental scientist here, my understanding is that the contaminants that are in the ground, and there are a number of them, that they are not moving, that there is not a need for continuous monitoring...

Commissioner Paskewich: Not yet.

A. Brecher: That because of the soil type there is not an expectation that they will be moving...

Commissioner Paskewich: And the soil type is.

A. Brecher: It is a, I don't know your definition of it, a layman would call it a dense clay.

Commissioner Paskewich: Ok.

A. Brecher: We went down 14 feet to excavate in one area...

Commissioner Paskewich: Right.

A. Brecher: and not water came in that hole.

Commissioner Paskewich: Ok.

A. Brecher: So that is pretty typical for the area. So I believe you will get the answers to your questions at point in time, once again I draw your attention back to the fact all we are focusing on today is trying to get the wetlands map to reflect reality.

Commissioner Paskewich: Well, it was brought to the surface so that is why I continued it. Thank you.

Chairman Zelek: So, I am kind of puzzled about this ponding you've described and Mr. Brecher has described as along the bottom of that slope that exists now. What we have heard previously that there was a pond at the top of this slope and the watercourse and then the wetland that was filled. Can any of this ponding be that wetland that was filled trying to resurface?

C. Webb: No. Would you like to know why.

Chairman Zelek: I would absolutely like to know why.

C. Webb: Well, first of all, I don't see evidence of a pond. Mr. Logan delineated this feature which is kind of a watercourse or whatever, but basically that surface water from that site which is much higher than the National Welding site, and that developed, I believe that was a restaurant, but anyway the had that water, and you can actually see these little fingers were probably the water that was coming in, because there is so much historic clay that was probably dug and placed there over the years or whatever, that water was limited in its infiltration. So is ponded, and probably if it were raining is just created an area. I don't see a pond on that map.

A. Brecher: He is talking about after a rain fall...

C. Webb: No, no, no. I am saying back it the day, I don't see a pond on this site.

Chairman Zelek: Chris, if you could.

Chris Greenlaw: For your benefit, there was an original map that depicted wetlands and this was extended as a watercourse like so and this was the result 100' upland review. When REMO went out in 2007 he did it in accordance with what you do, your field analysis and observation and found the wetlands to be along this wagging line, that is what we have shown. Now one thing that people should know is that when the water, when you have 5 acres of water and it runs and it gets to a point where you have grade and its limited, it is going to pond if the soil is impermeable. These were identified as wetland soils, right. The DOT is expecting and I don't want to go down this road too far, there were years ago a lot of communication between the DOT and Hayes because they needed from Hayes a land swap to get what's called now Myra Cohen Way as a road access to this bus way. So as part of that swap, what the DOT did was all the hydraulic design and the deal is that you probably heard through TP&Z was that the DOT, I don't know the details all I know is the engineering at the end of the day DOT sized this basin for all of Mr. Hayes land to be impervious, the roughly 7-9 acres that he has and $\frac{3}{4}$ of the towns site water as impervious to run to through that

culvert. In their eyes they designed this, because they didn't know the intricate design plans of Mr. Hayes down the road so they pressed the easy button and said we are going to pretend in the future this is all impervious and they designed those culverts in the road and underneath the road adjacent to our site to handle that water. So again, as part of that process we are going through the cycles of a couple of plans, inland wetland plans. Mr. Hayes has not formally built anything to this date, but what we have resulting is a lot of water that is coming to a point and where those areas are that aren't conducive to convey that water, it's ponding.

A. Brecher: Now keep in mind there was logic in the way the DOT approached this because if you recall the National Welding buildings, they covered I believe it was in excess of 80% of the land area there, so these were not open soils. This was a developed building on a concrete and in some cases an ammicite base that was in the northeast corner and there were foundations around all of those pads that went down typically at least four feet, so the presence of wetlands formerly, and I don't recall how long the National Welding building was there, but 60 years at least, 70 years, so I think what you are getting at Commissioner Bachand is has a wetland been created in the last year on that site and I think our consultant can answer.

C. Webb: No. If you left that water there for 4 or 5 years, and nobody did anything you would get a few, you would get some fine settling in there, you would get a few wetland plants from the other wetlands and it could develop.

Chairman Zelek: So it is my understanding though, when this slope was created and the wetlands were filled that there were several drains put in place. Correct?

Chris Greenlaw: As some period in time, between 2007 and now those drains were put in place and I would say that they would have to be put in place because when you look at a site like this where the slope that you have, there is a maintenance agreement that goes along with it. But as part of a prudent design for a slope, if you open up the 2002 CT Erosion and Soil Guideline, you are going to see DEEP is going to recommend certain slope treatments. When you have 5 acres of water above and 18-20 foot fill slope, when it becomes, when the soil voids become full of water you risk having failure, so as part of a prudent design you have to convey that water with a traditional drainage conveyance system, i.e., drainage. So you will notice that there is a swale at the bottom that has basins today and there are two basins up top. You can't take five acres of water on open soil and just allow it to run off the land because you would have TSS, you would cause real erosion, you would have slope fail, so over the course of time these items were implemented to preserve the integrity of that slope.

Chairman Zelek: Ok, is that swale and are those drains functioning today?

Chris Greenlaw: I would have to inspect them. If I hear that there is ponding water and there is basins there. I would say that it needs maintenance.

Chairman Zelek: That's why I am puzzled, because we have drains and a swale that are in place to handle the storm water coming off of this five acres, however, we have additional ponding

occurring on the National Welding site. Why do we have that ponding if there is a swale and drains in place to handle that?

A. Brecher: Mr. Chairman, because those aren't tied in to our site. We didn't do final grading, we have depressions on our site from the natural course of construction, materials got moved around and it was not level. We have material there to level it, if you look you will see some piles of crushed concrete, but that leveling hasn't been done. It is not tied into the system, as a matter of fact, the way it is set up right now, the extremities, the perimeter of the site, are in general higher than the center with the intent of keeping everything on the site on the site.

Chairman Zelek: So are you saying that it is not graded so that the water is slowing towards those drains.

A. Brecher: Correct.

Chairman Zelek: Thank you, that helps. Commissioner Bachand.

Commissioner Bachand: I would just offer that a lot of the water that you see in the ponding there is from the National Welding site and I don't completely agree with Mr. Webb, I believe some of, I mean that slope is not functioning the way it is supposed to. There is a swale at the bottom, it is not functioning, I am sure some water is bypassing those drains there and that is also contributing to it, but what degree of which and that goes back to my question that I wanted to raise with TPZ, I feel that that slope was not done correctly and there needs to be more work done on it. I was warned at TPZ that I might be in conflict of interest because of this hearing going on now.

Chairman Zelek: We can have an opinion, but we are not experts. I've got to rely on our engineer to tell us whether or not it is installed correctly.

Chris Greenlaw: One thing I want to add also is that as part of any design that DOT in good diligence looked at the whole site and said we are going to design a storm water system for the road, for the site and underneath the road to convey water for a 25 year storm or a 10 year storm for the road and a 50 year storm for the culvert under the road, and a 100 year storm for the basin and they had enough foresight to say the ultimate build is going to be this. We are looking back at 2007 way over here and we saying we have raw land. We're at a certain iterative process where the drainage has been put in, but in order to preserve the run off, this is a living site still. Our site is living, Hayes' site is living and what I mean by that is that infrastructure is in place, but until we get these sites with a formal application, showing activities whether it's Hayes or ours, in the interim to protect the run off to the basin and ultimately to the streams there is things that we do to protect the outfalls and some to the things we do, you will notice that the inlet pipe, I think it is a 36 inch pipe going underneath the road, you are going to see hay bales there, you are going to see silt fence, you are going to see stone check dams, you are going to see filter fabric and silt sacks within those basins and those do obstruct the flow, because what they do is they catch the fines and I would be willing to be if we went out and did that inspection, you would see that those fines have impregnated those BMPs in such that they need to be maintained and that is to preserve the water quality flow until everything is fully functioning and those erosion controls will be taken out and the system will work

with each one of their parcels with each one of their either primary or secondary type of treatment for storm water run off.

Commissioner: Mr. Chairman.

Chairman Zelek: Just one second. So I do like your idea about going out there and checking. You said if we check those we would see some silt in there, so I would like to do a site visit with you.

Chris Greenlaw: All right.

Chairman Zelek: and perhaps Mr. Webb or Mr. Cole and maybe take another commissioner or two along, because I don't want to make it a formal meeting, I just want to have a few commissioners go resolve some the questions that we have from the commission about the site and report back. If I can get a consensus from the commission if that's ok.

A. Brecher: May I speak first Mr. Chairman.

Chairman Zelek: Just one moment. I am going to ask the commission whether to not they have a consensus, if that sounds ok.

Commissioner Clark: Good idea.

Commissioner Casasanta: Sure.

Chairman Zelek: Ok, I am seeing a lot nodding. Ok, Mr. Brecher.

A. Brecher: I am confused. I duly appreciate that everyone wants to know more about this site and how storm water is being handled, and how the slope was constructed and what I wanted to say to Commissioner Bachand is the town is keenly aware of that slope and the way run off is being handled, keep in mind that slope is town property, it may be used by Mr. Hayes, but we want it to function the way we want it to function in accordance with the agreement and so that it is a help in terms of future development and not a hindrance. Regarding your site visit, as I said before, I think that is fine, I would be glad to arrange such a thing for you since that is gated and fenced area, but I don't understand how that site visit plays into the consideration of the application that you have before you. You require science to establish your wetland boundaries, what exactly is a walk about going to accomplish?

Chairman Zelek: I think a walk about will help us understand the placement of these drains, why there is ponding, there was wetlands that were filled, I still have an outstanding question in my mind, where is that water going from those wetlands that were filled, a Commissioner has made comments that the water has been standing for quite a while, I have heard it called ponding, so I would also like to take the maps and walk the site and make sure that we are as thorough as possible and when we go to vote on this that we have all the information that we need so that we haven't missed anything with this application. Commissioner Casasanta.

Commissioner Casasanta: Thank you Mr. Chairman. I just have two quick questions, one for Mr. Brecher, one for Mr. Webb. First for Mr. Brecher, I am just trying to get a grasp of what is going on here and I know it has technically nothing to do with the application before us, but it does, the site itself does have in impact on the wetlands to the east and to the north being in the upland review area, so I think it is important to understand, what you are saying is when the building was demolished the concrete was broken up, it was discovered there was a lot of contaminants including PCBs, yeah PCBs, and your notified the EPA, US EPA and they told you to stop and you started a remediation plan to remove those contaminants and in doing so you've left the site in a state where everything slopes inward towards the center of the site so nothing escapes in terms of run off, is that a fair characterization of where we are at right now?

A. Brecher: Let me try to correct some of those..

Commissioner Casasanta: Ok, that is why I am trying to figure out what, I am trying to piece together the testimony that has been given up to this point and you had said also, just in conclusion, the last bucket full of materials being removed from the site, the contaminated material. So in that regard if that is the case, when could we expect to see further capping and final resolution of the problems on the site.

A. Brecher: Ok, I will try to address all of those and if I miss any, please remind me. Keep in mind this is a four acre site, it is contaminated, still is contaminated, was contaminated before, still is contaminated. The intent of this phase of remediation was to remove all the asbestos containing materials, a heavy concentration of petroleum type contaminants and some PCBs that were discovered in caulking and paint. In the course of doing confirmatory sampling we found additional PCBs. EPA did not direct us to do anything. Our consultants told us to stop work and put together a plan for presentation to the EPA and DEEP to get the to concur to what we, the steps we were going to take next, which they did agree to. We have undertaken those steps and as a early as perhaps Thursday you will see activity on the site and final removal of some 24 tons of PCB contaminated soil and rubble that range in contamination from 11 parts per million to 22 parts per million. We are talking about incredibly low levels, however, we have a goal of having no more than 10 parts per million of PCBs on that site because of requirements of future development. We do not have a plan for capping, the EPA has advised us they want to see that plan to be part and parcel of any future development, so there is not an intention to now come in and cap the site and leave it. The question regarding the grading of it, there has not been an intentional effort to grade the perimeter higher, but in many locations that is the case. There was an effort not to tie into the drains if it wasn't already there. I believe on the east side, it is tied in to the drains, more because of the grading over there but there were also no PCBs over on that portion of the site.

Commissioner Casasanta: Ok, but once you did notice DEEP and U.S. EPA, did they tell you to cease any further activity...

A. Brecher: They did not.

Commissioner Casasanta: No, they didn't, ok. The town did that on their own once they realized the contaminants were present.

A. Brecher: That is correct. Keep in mind, we have always been under the guidance of a well know environmental consultant, Fuss & O'Neill, have an secondary environmental to check the work of Fuss & O'Neill as well, so part of this is the fact that this was not just a random discovery, it was discovered as a result of a prudent confirmatory sampling action.

Commissioner Casasanta: Ok and just, go ahead.

Chairman Zelek: I just want to see we have spent a healthy amount of time on this application so far this evening and we do have other business to attend to this evening.

Commissioner Casasanta: I just had one more quick question for Mr. Webb.

Chairman Zelek: I suppose, I would kind of like to wrap it up for the evening on this application.

Commissioner Casasanta; Yes, absolutely and just for Mr. Webb, really quickly. I see there is two wetlands. The one to the west drains to the north, do these wetlands actually end up tying together or are they separate wetlands? Do they actual end up, because the map gets cut off, do they end up merging as one contiguous wetland or are they two separate?

C. Webb: No, they eventually, the green area to the north continues to the northeast and then it goes under the bus way, and the railroad tracks, you know the bus way and the old tracks, it goes under the bus way and connects into the much larger system which this little piece you see in the east is a huge, is that huge wetlands where POP is and I mean us just goes for miles.

Commissioner Casasanta: But it all ties together, it is all the same wetland.

C. Webb: Yes.

Commissioner Casasanta: Ok, thank you.

Chairman Zelek; Commissioner Block, do you have a comment.

Commissioner Block: I endorse your comment Mr. Chairman. So far it seems like the history and the testimony indicates that this entire area has been manhandled for such a long time, there has not been one word mentioned of any naturally occurring environmental site that has any particular redeeming value. The wetlands that is delineated we are told is riprap that has become naturalized, and all the surrounding areas are developed, except for the welding site to be developed and that at this point in time, if I can characterize the testimony is totally artificial, there isn't a natural feature there all. So I agree with the Chairman, I think we have exhausted our examination of this application.

Commissioner Sadil: I have one question, one quick question if I may. I am quite puzzled by this notice at the bottom left hand corner, it says "GET FROM CHRIS", but that is precisely what you did, you did take samples within the wetland area, you delineated the wetlands, why is that note there.

Chris Greenlaw: I'm sorry, before you to too far down the track. That is a disclaimer that we put on as engineers because we are not licensed land surveyors, when we do construction type surveys we can acknowledge and observe flagging and plot them on the ma, but what we are not saying is because I am not licensed as a land surveyor to make the proper boundary determination, so that is a disclaimer that's a surveyor saying Chris we notice there are not meets or bounds, but we have conducted a traditional survey to accurately depict where the wetland maps are. So it not a disclaimer for the soil scientist, it is a disclaimer for the engineers mapping this, it's what we would call or a surveyor would call a Class B survey, there is not an opinion of the boundary, we are bound to a certain standard.

Chairman Zelek: Any finial questions or comments.

Commissioner Bachand: Yeah, I think that if work is going to be done on this site, that walk around should be done after, I'm just saying we have PCBs that in direct exposure over 10 parts per billion there?

Chairman Zelek: No, were are going to do that before removal of the mounds.

Commissioner Bachand: I think that should be, should we determine if that is actually safe to do? There is no fence by the way either, they did take the fence down except where it borders the bus way.

Chairman Zelek: I am personally not concerned. I have done enough damage to my body already.

Commissioner Bachand: PCBs are pretty nasty stuff, there is a very low tolerance, I think it is 10 parts per billion, isn't it for direct exposure.

Chairman Zelek: Is the site posted "contaminated area do not enter"?

Commissioner Bachand: Nope.

A. Brecher: No, the site is posted "no trespassing, do not enter" and to the best of my knowledge it is still, the fence is in tact around the full perimeter and if Mr. Bachand has found ways in I wouldn't put it past him.

Commissioner Bachand: It is wide open, wide open.

A. Brecher: If sections of fence have been removed, I was not aware of it and we will have that repaired. As far as the direct exposures of PCBs, if you are the sort that wears a mask on an

airplane, won't touch door knobs or uses Purell on a restaurant table before you eat there, you might want to consider whether you want to go on a trip. Mr. Chairman, is there anything I can say tonight that would sway you, once again, I can understand your wanting to become more intimately familiar, but Mr. Webb's time ain't free and the fact that you want to know more about the site, I am still struggling with how that would preclude you from taking from acting on what the consultant and the soil scientist have put before your tonight regarding what is the actual representation of the wetland area in the, the wetlands in that area.

Chairman Zelek: Well as the saying goes one picture is worth a thousand words, the same applies to a site visit. It will give us a greater understanding of the lay of the land, exactly [inaudible, maps folding].

A. Brecher: And you do appreciate to the layman who watched you consider the application from MDC which was considerably more complicated and elaborate, for some reason no walk about was required, so is just strikes me. Certainly it is within the commissions purview to do whatever it wants to get to the right result and I am not going to stand in your way, but I am trying to get things moving, so thank you for your attention.

Chairman Zelek: We do have to wait until the next meeting, there are a couple of items that we have asked for that we are hoping to get for the next meeting, so between now and the next meeting we will perform that site visit, so there shouldn't be any delay because of the site visit. So were are looking for the revised report from with photographs to be send to us electronically, we were asking for an overlay that will show us what the site will look like today with the development that has occurred in relationship to the wetland boundaries and the final item is to do the site visit. I would like to ask for two volunteers and I would like Mr. Paskewich to volunteer because he as some building inspectors background and Mr. Bachand you have a background in water problems and issues so I would like to ask you to also join us. Mr. Brecher you kind of volunteered previously that you would be able to arrange this for us, would you still want to that or would you still want to do that....

A. Brecher: I would.

Chairman Zelek: Ok, you could work with our staff Chris and come to a date and time where we can all get together it would be great. I appreciate that.

A. Brecher: So does this mean that the Old Business item will for this application is going to be tabled for tonight?

Chairman Zelek: Correct.

A. Brecher: Thank you.

Chairman Zelek: Ok, so we are going to table this public hearing for now. Mr. Secretary, do we need a motion to table this?

Commissioner Igielski: You could if you want, ask for a motion to table this until the next regular meeting.

Chairman Zelek; Can I get a motion to table.

Commissioner Block: I move that we table the application to the next meeting, scheduled meeting.

Chairman Zelek: Can I get a second please

Commissioner Manke: I second.

Chairman Zelek: Second from Commissioner Manke. All in favor.

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Ok, it's unanimous.

Commissioner Block: Mr. Chairman, can I ask for a five minute recess.

Chairman Zelek: Yes, that is a very good suggestion, five minute recess (8:40 p.m.), we will come back and go right into New Business.

Chairman Zelek: Can I have your attention to bring the meeting back into session (8:47 p.m.). We are moving on to New Business Application 2016-06, 764 Willard Avenue - Clearing and Grading in the Upland Review Area (URA) and Wetland. If the applicant is here, please come forward and state your name for us and address.

VI. NEW BUSINESS

A. Application 2016-06, 764 Willard Avenue - Clearing and Grading in the Upland Review Area (URA) and Wetland

Chairman Zelek: Speak into the microphone please.

My name is Giuseppe Delfino.

Chairman Zelek: Mr. Delfino, do you have some folks here representing you?

G. Delfino: Yes, this is Nick Stevens, he drew up the plans for the site and Clint Webb.

Chairman Zelek; Mr. Webb is also the environmental?

G. Delfino: Yes.

Chairman Zelek: Ok, very good. Can you give us an overview of this Chris? I think there was some activity that was noticed and maybe you can set the stage for us before the applicant gets into this.

Chris Greenlaw: Right, this particular site deals with how it came to our attention. Staff was notified that there was work on a property, it was apparent, either way exactly how that came to his attention, but there was a large piece of equipment, a bulldozer it you will on a very small lot in close proximity to the wetlands and I had to get into the details because I think you spoke with Eric of my staff, my two current staff employees. It became evident that there was work on/or about the wetland area buffer and/or wetlands and it wasn't until the point we were invited on the property to verify, but it was pretty evident seeing the large piece of equipment. Us having intimate knowledge of where the wetlands were and obviously you will go into detail how we, it is part of the education process, that is how we first approach people, because when you see them working precariously close to the wetland or upland review an education process ensues. From what we gathered, this work wasn't done with malice or an egregious act, but it was a significant act. We had quite extensive conversations as far as where the wetlands were, we invited you in, I sent you a letter formally as far as to notify you of the work in the wetland, and then we started the education process as far as what we saw, what they needed to do as far as a permit, and ultimately informing the chairman of the activity. So amongst all of our application that the chairman and I site visit, this is one of them. So without going into too much detail, I just want to set the stage for how we became introduced to one another here and you with the inland wetland regs.

Chairman Zelek: To take that a step further, during our site visit, my conversation with Chris, I saw this site, I understand a little bit more about this than the rest of the commission, and I kind of turned to Chris and said "why don't just do a fine" on this and Chris explained it very well to me, our preference here is to work with the property owner or the person that had damaged these wetlands and see if we can work with that person rather than going right to a fine, let's take it through due process and hopefully we can get the area restored without having to do any type of enforcement. So that is the course that we would like to take as a commission. Ok, with that, I will turn it over to the applicant and they can explain a little bit further what has happened here.

Nick Stevens: I am Nick Stevens, I am a civil engineering consultant. I happen to be a family member of Kayla and Joey who are the applicants. What happened here was an accident, they hired a friend to do some upkeep on their front lawn and then their friend decided to do them a favor and surprise them by clearing some area behind the house. Needless to say, Joey was pretty surprised when he saw what happened, so was the town. After he received the letter he asked me to help him out. I prepared these drawings that you see here today, kind of showing the effected area and what we are planning on doing to remediate it. Joey and Kayla have been very eager to correct this situation, because of that we have hired Mr. Webb here to develop a remediation plan, to kind of outline what we are going to do to fix the situation. Mr. Webb would you like to discuss what the plan is.

C. Webb: Ok. For the record, Clint Webb, environmental consultant on this project and I have a brief report outlining my plan which I can hand out now or after we are done discussing it. Basically there is a, if you look at the plan, there is an area of direct wetland impact to the rear of the property line and that has the 12 stars in it and then inside the property line is cross-hatch area

which was lawn, but the lawn was dug up pretty significantly, so that needs to be reseeded and stabilized. There still is a mature tree in the middle of that cleared area, it doesn't appear that any stumps were taken out or anything like that, it looks mostly like it was a brush removal, it also looks like over the years everybody along that neck of the woods maybe has used that area to dispose of undesirable items and that is as far as I will go with that. There are numerous dead fall trees kind of pushed towards the back that have fallen over, so one thing I would like to do is during, as part of the remediation, is to drag some of those logs back in you know and we can leave them laying on the ground because that makes good amphibian habitat as well as small mammal. As they rot insects invade them so you get, it really would enhance the environment beyond just planting plants. Also, it is kind of a large pile too, I would recommend pulling some those logs down and just laying them on the ground and then doing our...

Commissioner Block: How large of a pile, please?

C. Webb: I would say 6 feet high, 8 feet high.

Commissioner Block: How long, wide?

C. Webb: Maybe 10-15 long and maybe 8 feet deep. It is probably a 10 or 12 foot long tree trunks, either cut or laid down or around that edge, so we would be talking about 4 or 5 of these 10 foot long tree trunks being positioned in that wetland and then the plants that I am going to talk about shortly would be placed in between that. As those rot down, it just gives a more natural habitat right away, it's reusing it. In that pile, however, I noted some man made material and I would like to see that actually taken out and removed from the site as well as this remediation.

Commissioner Bachand: Is the pile off the property?

C. Webb: Yes.

Commissioner Bachand: So the whole pile has to be removed eventually.

C. Webb: Yeah, I mean it should, you know it is an old pile, it is not from this activity, it is from previous activity and that pile is pretty linear and actually existing beyond behind everybody's property so I don't want to make a big deal out of it.

Commissioner Block: So are you saying that is in the area marked cleared area?

C. Webb: Yeah, cleared area.

Chairman Zelek: More towards the back.

C. Webb: Ok, so approximately, that 70 x 60 cleared area, 35 of it plus or minus is actual wetland as per the town delineation and the other 35 plus or minus cross hatched areas is lawn, is the upland review area which is lawn, not only in this house but all the adjacent houses pretty much created that area as lawn. So the lawn part would just be seeded and stabilized so there is no disturbed soil exposed. The wetland area however, I would like to see ten fruit bearing shrubs placed randomly, kind of the pattern you see here and two sapling trees. We have one right in the

center, so I would like to see one new one on either side so we have a canopy as well as this fruit bearing shrubs that will propagate and become a thicket and you know provide small mammal and bird habitat as well.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: The area that was cleared, is that a sloped area or is it level?

C. Webb: It is fairly level, it gradually sloped towards, this is in that area behind the bus garage.

Commissioner Paskewich: Yes.

C. Webb: Down in there, so it gradually slopes, but I mean it's a, it's pretty flat.

Chairman Zelek: It slopes off their lawn because of wetland and then eventually it's part of Mill Pond, I mean Mill Brook.

Commissioner Paskewich: That is what I was going to ask.

Chairman Zelek: So if you just continue through this property you would end up at Mill Brook. Commissioner Clark.

Commissioner Clark: What vegetation is on either side on the abutting properties. What kind of, are you trying to recreate what you can see on either side as far as understory and were no large tree harms during this operation?

C. Webb: None, I see no evidence of stumps remaining or the ground being stump, so I think it was all underbrush, I mean there is a lot of multi flora rose mixed in with some spice bush and other stuff, so I kind of felt that this would be an opportunity to introduce a little bit more diversity than what is there, yet still be similar in the way it grows. We will plant wet tolerant seed mixes with lots of different seed, plants in it so that an herbaceous layer will stabilize all exposed soil in the area, but then, basically what I had in mind for, for the herbaceous plants I would like to use a New England Conservation Wildlife mix, which I have used in the town projects and it has tremendous diversity in the number of types of seeds, so if some don't make it others due, you are guaranteed success and then for the shrubs I am recommending whatever the combination that is best available at the time this work is done; silky dogwood, winter berry, high bush blueberry, heath berry, those are and viburnum, those are good fruit bearing shrubs, so eventually it will and then no activity occurs, it eventually other species, it should get pretty dense in there.

Commissioner Paskewich: Are you going to be using any fertilizers?

C. Webb: No.

Commissioner Paskewich: And the seeded area?

C. Webb: No, it is not necessary with the mix that I'm.

Commissioner Block: Any invasives found?

C. Webb: No, there are some, there a no invasives on the property now.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: Based on this drawing, you show that the solid dark line is the property line.

Stevens: Correct.

Commissioner Igielski: Which is then raises the question of where the proposed shrubs are planned for, if not on this property, it's somebody else's property.

Stevens: It is on town property I believe.

Chairman Zelek: So the intrusion was into town property.

Commissioner Igielski: So, would it not be a requirement of the applicant to get the towns permission to be made a part of this applicant, application?

Chris Greenlaw: That is an excellent question Commissioner. So what we have done is, I didn't want to go too far down the path in the introduction, but I would say there was quite an extensive amount of time I believe that we spent in my office with the applicant if he would agree.

Stevens; Yeah, the town really helped tremendously.

Chris Greenlaw: Not only with the applicant, we had a conference call with their professional on the phone to talk about the mapping. As part of this discussion we also had the realization that the town manager will need to sign off as consent for the work to be done on the property and additionally I have drafted probably a quite lengthy hold harmless agreement to allow them to come on to our property and that has already been reviewed by the town attorney. It is a standard document that we have used much like if we were going to temporary construction rights if we were going on someone's property, if someone works on our property we need a hold harmless. So I actually modified and prepared a hold harmless agreement for them to review, but basically there is risk and liabilities associated with anyone working on our properties and we need to be cognizant of the improvements on those properties so that you can act. So, before this commission acts on this application we would need those applications signed and approved by the applicant as a mechanism to allow them to come on to the property and then the manager will sign off on this application.

Commissioner Igielski: That needs to be done and submitted to this commission before we can act on the application.

Chris Greenlaw: Correct, excellent.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I think it is good that the town is working with them, if it was not an egregious act, it was, I just want to go back to what I asked about the pile, is it outside of this restoration area?

C. Webb: No, it is on the back corner.

Commissioner Bachand: It is on the restoration, so I said remove it, but if you are saying that it can be spread then I agree, if it could be spread, expect for the non-organic or non-vegetative stuff that is in there. If it is possible, if you feel that it is prudent, if it can be spread all there, I wouldn't suggest spreading it beyond that, any further.

C. Webb: No, exactly, I am talking about pulling it in.

Chairman Zelek: Mr. Webb, does your plan that you are proposing include any placarding of the area so that future homeowners will understand that this is wetland back there?

C. Webb: It doesn't, but that's a good point.

Chairman Zelek: Could you update your plan to include that?

C. Webb: Yeah, I will.

Commissioner Block: Motion to table to next meeting.

Chairman Zelek: I don't know if we are done yet. Commissioner Bachand.

Commissioner Bachand: Someone brought up the educational thing, I think it was the engineer. I think this is a great time to look at this. There are so many people that border wetlands that have no clue of what our rules and regulations are. The first rule, even in the upland review area, any activity requires a permit and so we should define that, we should even have GIS actually map, inventory every single property that has upland review area on it, send them a note, you know this is what you have and just be careful, you know we are not policing every single site, but if you want to treat this as an educational opportunity, I think it is a good idea, because it happens everywhere. Just like Mr. Webb said, anyone who borders a wetlands, dumps in wetlands, it is pretty common practice, not intentionally, egregiously, it is mostly vegetative waste, they blow their leaves, the fill it in, but technically they are not supposed to fill any wetlands even with the perfect, most clean fill, it is still filling of wetlands.

Chairman Zelek: Your point is well taken and it is probably something we can talk about at a future meeting, if we want to add it as an agenda item. Continue discussion. Commissioner Clark and then Commissioner Arburr.

Commissioner Clark: When does this work will be done, how much time would it take to do these kinds plantings and this remediation and the reason I ask is that it is the timing, it is spring migration and nesting season and obviously any chance for anyone to be nesting in this property is scotched for this year, however, I am concerned that a lot of future activity might impede nesting in adjacent neighboring areas just because of that activity.

C. Webb: Well if we could resolve this at next month's meeting and then wait for the 14 day comment period after that, that would give us plenty of time in that 14 days to mobilize everything and it is really not that complicated. Essentially, the logs can be dragged with a wench, you know on a jeep, we don't need to bring any big equipment, all the plants can be done by hand, I think we can do it in a day.

Commissioner Clark: It is interesting, but my point is actually during this period of time is when birds in particular are flying into the area and using anything that is sitting there right that minute to nest and create habitats and then if you move all that stuff right during this pretty brief period of the spring, that is when you will further disturb wildlife.

C. Webb: Ok, well then you know what, why don't we kind of look at that and come up, and one of the conditions on the application could be that the construction restoration activities occur within a certain window. We can actually, you can specify a period.

Commissioner Clark: Yeah, yeah.

C. Webb: Right in the conditions.

Chairman Zelek: Is there any threat of erosion if we delay?

C. Webb: Not if the applicant would be willing to spread some hay out there.

Chairman Zelek: Well, I don't know are we able to introduce activity into a wetland.

C. Webb: Does that constitute activity without?

Commissioner Paskewich: It does say on the second page of the wetland application project in B - plan on cleaning up the area, installing a silt fence around the area receding and plant any shrubs that is required to grow.

Chairman Zelek: But I think there is an additional plan that Mr. Webb is submitting.

C. Webb: No, no, I just gave that plan detail. That activity, I think the hang up here is that.

Chris Greenlaw: Permission from the town.

C. Webb: Year, permission from the town to even put silt fence.

Chairman Zelek: Well, you are going to hand us a plan, a restoration plan.

C. Webb: Yeah, I have it described narratively and I have symbols on the map, but because of some of the things brought up I don't think I will hand this in now, I will revise it and include all of the things we discuss and then I will send it to you well before the meeting.

Chairman Zelek: Ok.

Commissioner Block: And by that time we should have the town's approval. The town signing off on it.

Chris Greenlaw: Yes.

C. Webb: If, can I address the engineer with a question?

Chairman Zelek: Yes.

C. Webb: Let's say you get the approval letter next week and we still have so many weeks until the next meeting, but if you have an approval that you are going to submit to do work on that site, can we put the silt fence up right then instead of waiting?

Chris Greenlaw: I would say yes, if the commission agrees and John is saying no, I mean that is pursuant to the applicant signing a hold harmless, if we get the hold harmless then the manager will sign off and acknowledge consent on the application.

Chairman Zelek: I don't think we can agree to any activity until we agree and pull that permit.

Commissioner Bachand: Even if it is preventing further damage?

C. Webb: I disagree.

Commissioner Block: Mr. Chairman.

Chairman Zelek; Well, it is not up to this commission, I think maybe the town engineer can speak to it.

Commissioner Block: If I may, I don't see why we couldn't grant the permit pending approval by the town manager and set the condition so that as soon as...

Chairman Zelek: We will probably have that for the next meeting.

Commissioner Block: Well, what I am saying is that we could, if we could, I don't see why we couldn't do it tonight.

Chairman Zelek: We cannot, according to our regulations, approve any permit that's not a public hearing on the night that we are hearing it. We have to give the public the right to petition for a public hearing after this meeting.

Commissioner Block: The public's ability to comment is based upon an impact that affects the public and outside of the town properties.

Chairman Zelek: We still have to give the public, this is public property, so we have to give the public the right.

Commissioner Block: Ok, if you want to consider it that way.

Commissioner Paskewich: Do we have any emergency measures written in our regulations?

Chris Greenlaw: None that I am aware of.

Chairman Zelek: Any other commissioners? Commissioner Arburr.

Commissioner Arburr: Two questions. Chris, do you feel that the plan as presented provided sufficient information to make an evaluation as to what was there in the apex?

Chris Greenlaw: I had the benefit, with the chairman, of visiting the site. You have to appreciate the frustration of the applicant, because the chairman and I were posed with, there was a lot of discussion, not only between the applicant and staff, but between the chairman and staff and what we did was we looked at this as compared to all the applications, just say in the last four years that has come before us. When the chairman saw the work and noted that it was within the wetland, we never had an application where anyone has even proposed work in the wetland area without a professional. So the question that we had, is that to best prepare the applicant, knowing that this commission was going to ask a lot of questions about habitat, about soils, about trees that are taken down and debris. We recommended, because certainly without the consensus of the commission we had historical data that said anyone that has done any work within a wetland has always had a consultant, but we couldn't direct them, so what they have done, they have done their diligence and I offered them three different names of some frequent flyers, as professional here, and I would have to speculate that Webb being here tonight, may be one of the reasons they went with him on another application. That being said.

C. Webb: Well, thank you sir.

Chris Greenlaw: *[inaudible - laughing]* it is professional courtesy. But the point is, they have expedited this process and we are telling them to slow down. There is some irony here, I certainly would speak to the fact that, if there was an act such that it was increasing the potential of TSS, and runoff and TSS within runoff and run into that stream that pursuant to at least the proper right that they do something to mitigate that as a BMP in the interim, as a temporary measure to preserve the wetland soil that is there from getting any worse, such that when they come in with their formal restoration plan. I mean, if you are on a construction site, an active site, a living site that we spoke to earlier, you are going to do things to protect that site from having erodibles and soils leaving the site and real erosion prior to your final plan. I have to look at that as a measure, if you have a spill on a highway and there is fuel, you're not. Alan Paskewich's question as to an emergent measure, I would say something like this, if you saw the site the way I did and you have a professional already recommending that something be done to preserve that soil. We are not talking about a permanent fix, we are talking about a temporary BMP measure that you would see in the CT Soil Erosion guide for DEEP that I referenced earlier. It would be my recommendation that if they have a right to go on our property, they should at least put down a measure to protect any other soils.

Commissioner Block: Can't we, can't we vote on doing that.

Chairman Zelek: Hold on Commissioner Block, Commissioner Arburr had two questions.

Commissioner Arburr: You didn't answer my question. I asked for your perspective and everything is if there is adequate information based on field conditions and everything that you saw that has been presented to the commission here tonight. Just a simple yes or not answer.

Chris Greenlaw: I don't understand your question

C. Webb: You won't see any more information on the plan.

Commissioner Arburr: I mean, you know like the contours, I assume that there are contour lines there, but is what is here, is this adequate enough to information, you know, to make, we are reliant on you, after seeing the thing, to come up with a plan because you know what the commission is looking for. To look at this plan do you feel that his meets what you had in your mind?

Chris Greenlaw: The short answer is no, because I have not received, nor have read or had the availability of Mr. Webb's report, so we need. I visually saw the site, but my job for you as the agent is to bring the facts to the commission so that you can review the plan for instance, because you haven't had the availability of going out to the site. Certainly if you want contour lines, we can assist and put contour lines, but most importantly here the report by their consultant that is going to give you the experts written testimony of the site assessment of what is there now, and then going forward to formulate that plan that he shared with us verbally, but no we need to have that entered into the record and it should be sent out to you as the commission, for you to act on.

Commissioner Arburr: Ok. The second question is, would it be possible to take a couple of photographs for the next meeting so.

C. Webb: I have them here, they are in my report.

Commissioner Block: Then why don't you distribute the report.

C. Webb: Yeah, ok, just understand that I am going to revise it.

Commissioner Arburr: Well, I mean no problem, just send it out with the next meeting. That's all. There is not need to, I just wanted to know if photos, a photo is a million words.

Chairman Zelek: Mr. Webb has it, so he is willing to hand it out, so once it is updated then we will also look at the revised.

C. Webb: I'll give you a revised one.

Commissioner Bachand: Mr. Chairman.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I think the question was whether they should be allowed to do the silt fence or not. I don't see a problem with it, but if we don't allow it, then I think we have to say if there is any further damage done that we can't hold them harm, we can't hold them responsible either.

Chairman Zelek: Whether allowing it or not allowing it, do you have a comment on that John?

Commissioner Igielski: There was a case in the past where water, rain water was washing out a culvert and the wash out was going into the wetlands and this commission, the case was similar, the dilemma of whether or not they could approve some kind of emergency action without the actual permit application process proceeding and to my recollection it was the town attorney that basically said no, we should not be taking or telling the applicant what they can do outside the application process.

Chairman Zelek: That was point earlier. Thank you.

Chris Greenlaw: If I may ask, secondly, I am sorry.

Commissioner Clark: I just want to ask, where on that map would the silt fence go?

Stevens: It is on the line on the map.

Commissioner Clark: Well, isn't a lot of the silt fence on town property and do we need any permission to put a silt fence on town property.

Chris Greenlaw: That is a question and a statement. So we said before anything would be done they would need to sign a hold harmless and then the manager would authorize the consent to work on the property.

Chairman Zelek: SO we don't have a hold harmless, so we can't authorize it.

Commissioner Clark: No, but what I am saying is, if we're concerned and you've seen the site, can the town, owing that town property, give itself permission to put silt fence on the town property.

Chairman Zelek: On the town's own property.

Commissioner Clark: On its own and maybe have the applicant reimburse the town for the silt fence, it is on the town's property, we are the town.

Chairman Zelek: The might fall under General Permit 1.

Commissioner Paskewich: Good point.

Chris Greenlaw: That's a question, but may I ask the question that I wanted to ask earlier. Secondary to the case that you ran by the former town, or a former town attorney, my question is the commission legally cannot authorize any activity devoid of an approved permit, but if an applicant took it upon themselves, the risk and liability of doing more damage to install hay or silt fence, would this commission, with the understanding that they are trying to improve the condition, hold that against them as part of their application process in judgment next month. Understanding that if

nothing is done, it could, the site devoid of any BMPs get worse. Would we seek damages for them going back out, with approval to enter the property.

Commissioner Igielski: I believe in the case I am referring to, it was up to the property owner, the future applicant, to do what they felt they should do and not be directed by this commission as to what they should do.

Chris Greenlaw: Exactly.

Commissioner Igielski: And then whatever was done by the person, would now fall under the auspices of this commission being work done within a wetland area without a permit, now it would be up to the commission.

Commissioner Bachand: But was that on their own property or was that on town?

Commissioner Igielski: Their own property.

Commissioner Bachand: Because if that was on their own property, I think that is a terrible way to leave it that they would do it at their own risk. I don't think that's a ...

C. Webb: Maybe I can allay everyone's fears.

Chairman Zelek: I am going to ask the commissioners and the applicant to please wait to be recognized for the record. Go ahead Mr. Webb.

C. Webb: The area is almost dead flat, as you would have seen when out there. The existing undisturbed understory is very, very thick. Tons of leaf litter on the ground, so there is actually a natural, right that in place now, a natural filter and capture mechanism just by nature alone and because of the flatness there isn't really going to be any kind of storm water traveling at a velocity that would be eroding soils.

Chairman Zelek: So in your opinion, is a silt fence needed at this time?

C. Webb: No.

Chairman Zelek: Thank you. Commissioner Block.

Commissioner Block: Although that may remove any need for the action, I would be very much against leaving the applicant at his own discretion once this matter has been brought to the commissions attention. I think that, if in fact such immediate emergency action was necessary, I think the more prudent procedure for this commission would be to issue the authority for them to perform a specific task subject to the town manager giving permission for them to do it on town land.

Chairman Zelek: Ok, so.

Commissioner Block: That way they would be protected and the town would have the ability to understand the risk of saying don't do it.

Chairman Zelek: So two points, we don't have a hold harmless agreement yet, we are going to get that for the next meeting and point number two, Mr. Webb just said a silt fence is not needed so no action is needed. Ok, any other questions from the commission? Seeing none, we are going to get a motion to table this.

Commissioner Casasanta: I make a motion we table to next month's meeting.

Chairman Zelek: Thank you Commissioner Casasanta, can I get a second?

Commissioner Manke: I second.

Chairman Zelek: Thank you Commissioner Manke. All in favor.

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Passes unanimously. Thank you.

Chairman Zelek: On to old business.

VII. OLD BUSINESS

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

Chairman Zelek: I don't see the applicant here, we have already tabled this. It is our understanding that we will reconvene at the next meeting. On to the next item, Renewal of General Permit number 1 by the Town of Newington.

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

Chris Greenlaw: We have one more month to consider changes to the General Permit, stated as General Permit 1 which is a five year revolving permit. What I am going to do is in preparation for the next meeting, we present the changes to this commission for your consideration last month as memo. We have incorporated those changes from the memo into the actual General Permit 1. They were not ready for this evening. We felt it best to send it out to you as a pdf so you would have an additional month. I believe the next meeting is the night the permit expires, so we would have to act on any changes considered at the next regularly scheduled meeting. So you will see that, I think I just received a hard copy of it today and rather than rush the effort we will send it out to you as a pdf and certainly for consideration. Basically, I memorialized the changes as proposed in the memo into the general permit and it is something that I would ask you to take a further look and we can go forth with the general permit the way it is or we can go with the changes as discussed at the last meeting.

Commissioner: Mr. Chair.

Chairman Zelek: Before we go on, I am going to seat Vice-Chair Sadil in my absence. I am going to take a 5 minute bio break, it is badly needed, so Commissioner Sadil will take over.

Commissioner Block: Mr. Vice-Chair.

Vice-Chairman Sadil: Commissioner Block.

Commissioner Block: Yeah, if in fact we are going to be forced to act on the last day of the existing permit, may I ask the engineer whether or not it would be prudent to have an alternative, i.e., the existing permit language available as an alternative so that if, and I don't know why it should happen, but if there was something to be found in the new language which would be critical, that we could still act on something and not leave you in the void.

Vice-Chairman Sadil: Let me be very specific. The short answer is yes. I am going to provide you with both, why don't we do that. I will provide you with the original and I will provide you with what is proposed as the modified permit with the considerations in the memo that I brought to the last meeting and we may find that after a closer read and kind of ruminate on these thoughts, perhaps the commission will have a consensus, even if we needed to take a recess and maybe modify the modified permit and make a couple of changes and I believe the Secretary is that something we can do, to take a short recess if we needed to incorporate a sentence or two at the next meeting. For instance, if we have the original permit and modified permit and Mr. Block in his eloquence of speech might want, and his experience, might want an additional line, we could take a recess and modify it and then enter it into the record, correct, for consideration?

Commissioner Igielski: I would say then the final proposed version would have to read in its entirety since there would be not stand alone copy that could be accepted by this commission.

Chris Greenlaw: Correct.

Commissioner Block: Is there a time requirement for publication of such that would force, that we could do it in that final hour?

Vice-Chairman Sadil: Commissioner Igielski.

Commissioner Igielski: Other options would be to have a copy of General Permit No. 1 such that is set up to be valid for two months, which would then could be approved by the commission and then it would go from April to May to June so the town would still have a General Permit No. 1 available for use for another two months.

Commissioner Block: Interim.

Commissioner Igielski: Which would be an interim time period and then whatever we come up next month could be finalized in a format to be brought to the May meeting which could then be acted upon by the commission and that version would be for five months, or five years which could be from the date of issue, basically negating the remaining month of the temporary one or picking up from where the temporary ends off and then going forward five years from there.

Chris Greenlaw: It is, Mr. Chair. It is a permit and it does expire next month. If we modify the permit, the original with language, we could certainly adopt it and if we found that there was an oversight or a consideration from the public, it is a valid new live permit.

Commissioner Igielski: We can revisit it at any time modification.

Chris Greenlaw: We can revisit it at any time for modification.

Commissioner Igielski: There are various options.

Commissioner Block: I just want to be sure that through some sort of misadventure that the town is not left with an active viable permit.

Commissioner: You mean not left without one.

Commissioner Block: Oh I'm sorry, exactly.

Vice-Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: I just have a question and I think maybe the secretary will say that it doesn't constitute a proper forum or whatever, but if you are going to send us this revised permit, you know through, via email, is some of us have comments, couldn't we send them back, before the meeting and make corrections at the time or is that outside of a public meeting and not allowable.

Commissioner Casasanta: It's the second part.

Chris Greenlaw: I am stay the course where I am going to send both the original permit and take the items offered last month in the memo and incorporate it into a modified permit. I am going to send them both to you and then what I would ask is if there was something you felt as though as a commissioner that you wanted to add and absolutely couldn't wait until the next meeting I would ask you so send it to the chair for consideration. Just the chair, otherwise we would wait until that next meeting and if it was a delicate nuance to some language, grammatical, what have your or of substance we could possible consider that, take a recess, make a correction and so forth.

Vice-Chairman Sadil: So just to paraphrase Mr. Greenlaw, so we will have the before and the after document with the changes, the commissioners will review them and any edits they bring them to that meeting and then we could modify at that meeting and vote that same evening for those changes.

Chris Greenlaw: Correct.

Vice-Chairman Sadil: If there is any other verbiage, edits, so on and so forth. Commissioner Arburr.

Commissioner Arburr: Would it be possible to underline the changes in the new permit so that is could be readily visible.

Vice-Chairman Sadil: Sometimes on margins, in the margin put a symbol in the margin noting that paragraph was modified from the original. That is easier.

Commissioner Bachand: Italics, in parenthesis, in quotes.

Commissioner Block: Just somehow to indicate the new from the old.

Commissioner Arburr: Where they are.

Commissioner Bachand: I don't think it is a very complicated permit right? I mean it is one page, I just thought that if someone had a serious problem with it, send the notes as the engineer said to the Chairman and have it corrected for the night we come and it is all done instead of having to stop there, but I don't know if that is within the regulations.

Vice-Chairman Sadil: If it's not a lengthy document, it won't take a long time reading this and absorbing it, is that true as Commissioner Bachand said.

Chris Greenlaw: It is one page, correct.

Vice-Chairman Sadil: Ok, then I don't think that is too much to ask. We do have minutes, it will be a very good job reading the minutes, so why don't we take that. Is that acceptable.

Chris Greenlaw: And your question is?

Vice-Chairman Sadil: That we would have the before and the after document, maybe underline the changes or use italics, you know if words changed and then we could read that a day prior to the next meeting and then if there are any edits at that time we could edit live and then approve it.

Chris Greenlaw: Mr. Chair with the time constraint I have, respectively, I sent out this memo last month and I received no comments on it, so assumably, as written, it would go forth as it is. So without spending unnecessary time to create that document where minutes in the days count, certainly if I had the availability I would, but I did send out the memo.

Vice-Chairman Sadil: That's what is have in my hand right here.

Chris Greenlaw: Yes, and I have not received any comment on that this evening so I would feel as though it is ready to go forth for consideration to vote next month.

Commissioner Block: Excuse me, is this the one we had been given marked January 28th, 2016?

Vice-Chairman Sadil: I have one marked April 19th. This in the one that he.

Commissioner Block: April 19th, 2011.

Vice-Chairman Sadil: I have two documents, one from, an old one from April 2011 and a second one.

Commissioner Block: So the January date is the new version.

Commissioner: No.

Chris Greenlaw: Right, so what we have is the existing General Permit No. 1, April 19, 2011 is going to expire next month.

Commissioner: Ah, ok.

Chris Greenlaw: So that is the one we wanted to revisit. I could have taken the easy route and just said do we all want to vote on this and leave it the way it is? Ok. But going forward, we've made some notes as far as the comments, considerations of this commission and I incorporated those in a memo suggesting that we can incorporate these things. I do have today, I mean if we wanted to take a recess, I do believe I have these comments, consideration incorporated into this in what would be the new permit. If you would like to review that this evening, but it doesn't have the redactions and bracket or additions and underline. But I could look for that and hand it out to the commission if you want to.

Vice-Chairman Sadil: Commissioner Block.

Commissioner Block: I would have, Chris in all honesty, why is it dated January 28, 2016?

Commissioner Casasanta: It's a memo.

Commissioner Block: Yeah, but it says of last Jan, this January, if this had been indicated as to being as of this current date, I wouldn't have gotten confused.

Vice-Chairman Sadil: Mr. Greenlaw.

Chris Greenlaw: This memo was for consideration of the commission, the consideration was to incorporate some of these thoughts over the years.

Commissioner Block: I'm talking about the date.

Chris Greenlaw: That is when I drafted the memo to this commission, to send out to you.

Commissioner Block: I'd forgotten, I apologize.

Vice-Chairman Sadil: It has been languishing for a month or so.

Chris Greenlaw: If it would be helpful to the commission, I believe I have a hard copy of what the revised General Permit No. 1 would look at, look like. Would that be a benefit to the commission? That hard copy was put on my desk today, somewhere, and I could possibly hand it out to the commissioners to look at it this evening.

Vice-Chairman Sadil: So you are suggesting a short recess for you to get the document and copies.

Commissioner Block: A five minute recess to get copies, that would expedite matters I think considerably.

Chris Greenlaw: Would that be helpful?

Commissioner Block: I think so.

Vice-Chairman Sadil: Yes. Ok, so shall we call a small five minute recess for you to run down, [at] 9:35 we will recess for five minutes.

Chris Greenlaw: All right, let's do that.

Vice-Chairman Sadil: Call the Conservation Commission, this session at 9:41 and I guess the commissioners will be reading the General Permit No. 1 dated April 19, 2016.

[Reading of General Permit 1 by commissioners.]

Vice-Chairman Sadil: Ok, discussion? Commissioner Paskewich.

Commissioner Paskewich: Yes, in reading the second paragraph, approximately half way down, it states "additionally the department head of the various town departments working in the regulated area shall notify the Administrative Officer (Wetland Agent) in writing in advance". I am thinking of possibly including, if possible, the consensus of the commission that a time line be placed in there, how much in advance? A day, two days, a week?

Vice-Chairman Sadil: Mr. Greenlaw, do you a..

Chris Greenlaw: In the context of the time line, we have to remember what the general permit is for. So, if over the winter months, when the ground is frozen and it is advantageous for in between storms, the public works department to go into an area or to have a contractor go into the area to work at the inlet or outlet of pipes, where drainage pipes are, to remove debris, branches, anything that would impede the flow of water and cause an overflow into the road or not, this would be done with a certain conscience that over the next couple of months it is frozen ground, but we are not getting snow, its an open winter, we are thinking of doing this in a couple of weeks. Have them report to us in advance that they are going to exercise General Permit 1 so that I have time enough to get into touch with the Chairman to make him aware of this and then report to the commission. So you have to remember, you have granted them General Permit 1 to do the work, but we want to be cognizant as part of their planning where are they working, so they, I don't want to use the words reckless abandon, but get ahead of themselves and go too far and those sorts of things. So if I say "hey I think this is out of bounds" or this is going from maintenance project to actually construction project, I can bring it to light with the chair during our communications and consult with him.

Commissioner Paskewich: I am listing to what you are saying and I twice you mentioned winter clean up when the ground is frozen. What about a summer activity where there is a storm?

Vice-Chairman Sadil: Or a certainly state of emergency.

Commissioner Paskewich: Right.

Vice-Chairman Sadil: Could conceivable happen where you cannot wait, you need to act quickly in advance.

Commissioner Paskewich: That is what I am thinking.

Vice-Chairman Sadil: Advance notice in writing, maybe wouldn't be practical.

Chris Greenlaw: Ok.

Vice-Chairman Sadil: Commissioner Block.

Commissioner Block: Yeah, I've got a couple, one of which follows along with that. In the first line after reissued, I suggest inserting "as of"; it is reissued as of the whatever the date that should be inserted for the language. In the second paragraph after the town, read it shall be allowed it should be "is authorized".

Vice-Chairman Sadil: Where was that again?

Commissioner Block: On the second paragraph, the first line, the town authorized, instead of shall be allowed.

Vice-Chairman Sadil: Is authorized, ok.

Commissioner Casasanta: Less words.

Commissioner Block: Yeah. In the second line there, after the abbreviation URA to be cleaned, I don't understand the reference to projects, either some adjectives are left or the word is not relevant or what. Four lines down, in the line beginning other maintenance related activities; I don't see the word for additionally. It should start The Department Head of the town shall notify, it is a condition precedent, it is not something in addition, they have to notify and lastly, in several areas you referred to minor activities, I think we need some sort of definition as to what is minor. That hides a multitude of sins.

Chris Greenlaw: Minor is..

Commissioner Block: It talks about cleaning debris. I'm sorry.

Chris Greenlaw: Mr. Chair.

Vice-Chairman Sadil: Mr. Greenlaw.

Chris Greenlaw: If I may. Currently we have a provision, I don't want to say a definite, not a formal definition of minor, but you also see minor as defined as those activities as being minor and those activities being minor in the upland review may be administered by the agent, but I don't do that until I have consultation and authorization by the Chairman and we are using that interpretation here. So we put the onness on the department heads to be cognizant, their time lime, their planning,

their activities, they should know where the wetlands are and the buffers and when they plan ahead, they inform us so that this is the check and balance.

Commissioner Block: Can I suggest that since you are following an established precedent, that perhaps just an asterisk after minor with a footnote saying, per prior approval of the chairman or upon notice to the chairman to something of that language just to indicate what is minor.

Chris Greenlaw: That is the... Mr. Chair.

Vice-Chairman Sadil: That has been the practice with the interpretation, that is what we are establishing.

Commissioner Block: I know and I think the permit would be clearer if it reflected that.

Commissioner Arburr: In writing.

Commissioner Block: In write, on the permit. Just to say that minor quote indicates prior notice and approval of the commissioner of the chairman.

Vice-Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: I just have a question and this is the first time I have been through this so I don't know, is mowing included in this, or minor tree trimming, not to mention it but there is a ton of mowing that has to get done in upland review areas and then, well I will take one at a time, so if you want to answer that.

Chris Greenlaw: Yes.

Vice-Chairman Sadil: Mr. Greenlaw.

Chris Greenlaw: There are maintenance activities as of right, you certainly that they are going to conduct and I think this is, when you look at the General Permit, obviously, the state has added this mechanism such that you can allow certain maintenance to watercourses and inlets and outlets of pipe to happen, certainly certain aspects of this work is going to as of right, meaning I, directly at an inlet or outlet, you have a storm and there is debris there. They are going to reach in there with a bucket and they are going to take the wood out, but this is for more, I don't want to say elaborate tasks, but much more extended. Hey we want to now go from the inlet or outlet and we want, in the winter, because I say winter months, this isn't' when we have our active construction projects going own and in between snow plowing they have the latitude of engaging in some of these activities, that is why I am saying winter. So, if you wanted to chase up a water course and either a contractor or DPW forces, they would consult with us under General Permit 1, so they are not coming in for a formal application because this is the application, they want to make us cognizant of it. How this defers from a very elaborate and complex plan is something that we, the town came before this commission for the reconstruction of the swale at the highway garage and the twin pipes that we put under the road, that was a formal application, you know with design drawings, and BMPs and everything that went with it. This is something that is in between maintenance as of right

and a formal project, it is something in the middle where we want to go to the watercourses and do some additional work so that we can increase that flow of water, that is a good example.

Commissioner Bachand: So there is no, I have a couple more questions.

Vice-Chairman Sadil: Commissioner Bachand.

Commissioner Block: I wanted to elaborate on Chris' comment. Repairing a riprap, mowing, those things are normal maintenance projects. As Chris as said, something new and substantial is obviously a major activity, the things that have been put in the middle, i.e., are minor, so in order just to fill out the whole array that is why I made my comment as to defining minor as requiring consultation with the chairman.

Commissioner Bachand: Ok, I think he explained it good.

Vice-Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: It is in the middle, it is the stuff in the middle, so you don't and you shouldn't need a permit to mow the lawns, even if it is in the upland review area. So just one other thing, Chris, I mean Mr. Engineer, you mentioned a contractor a couple of times, but this clearly says the town, so if we are also including a contractor to, shouldn't the wording be in there and then one other thing, none of this mentions anything about permission, it just says that you will get notice in writing or you will contact the chairman. I don't know if there should or shouldn't be, but it doesn't mention anything about permission given, just that contact or notice is given.

Vice-Chairman Sadil: Commissioner Paskewich.

Commissioner Paskewich: The comments that commissioner Bachand just made, the first comment that he made, under this general permit the town shall be allowed, does that include contractors?

Commissioner Bachand: he mentioned contractors a couple of times, my first inclination is that is wouldn't, but I don't now what is standard or what has been accepted before.

Commissioner Paskewich: Well, that's my question.

Chris Greenlaw: That is a great question for our former town engineer. I think he could offer that in the past we have had private contractors do some watercourse clearing.

Commissioner Arburr: The way that, is it ok for me to speak?

Vice-Chairman Sadil: Commissioner Arburr.

Commissioner Arburr: The way it was handled was that before the work was done, a drawing, you know one that takes 200 map, scale it and give a brief explanation of what the proposed work is, but the contractor wouldn't start until the commission said ok. That is how we did when the contractors came in, because when the contractors came in to clean the watercourse, it is

going in there, but it is not maintenance, it is not routine maintenance, it is a step above it, that is how we used to handle it. Like for example, we cleaned the watercourse behind the town hall, we had a contractor in and that is what happened. I submitted a report to the commission, I mailed it out before, with just a brief explanation of what is going to be done, outlining the thing and then it came up for discussion at the meeting, it gave the opportunity to go and visualize the site and this way here, because I think when you get into these long maintenance jobs, I think that is beyond basic maintenance.

Commissioner Bachand: I think it makes sense and then.

Vice-Chairman Sadil: Mr. Greenlaw first.

Chris Greenlaw: Thank you, so if we incorporate next to minor construction activity and we have that asterisk that says requiring consultation with the chairman, additionally will you then need a mechanism to allow the Town of Newington or their agent, meaning their contractor.

Commissioner Arburr: What you would be doing is giving the town permission, giving say Parks & Rec department or the highway department permission.

Chris Greenlaw: Correct.

Commissioner Arburr: Under permit 1. Under the permit.

Chris Greenlaw: Correct, but I just want to specify, I believe the other commissioners are stating they don't see the word contractor in here.

Commissioner Bachand: Because a contractor was involved.

Commissioner Arburr: Contractor was not in there, but you asked how we handled it and that is the way we handled it.

Vice-Chairman Sadil: Chairman Block, Commissioner Block, excuse me.

Commissioner Block: If the town has authorization to perform an activity, it is within the purview, the organizational privileges of the town to supervise a contractor to do that work, therefore in my opinion it is not necessary to repeat the fact that the town has the ability to delegate certain work projects, it is the question that the scope of the project has to be subject to the general permit and or the provisions of this commission, so to make specific reference of an authority to delegate to a contractor is just repeating.

Vice-Chairman Sadil: Something that is understood.

Commissioner Block: That is already not understood, but available.

Vice-Chairman Sadil: Ok, Commissioner Clark.

Commissioner Clark: Mr. Greenlaw, I would like to ask if in, is there anything about this permit that you think needs to be changed because of an activity that has occurred, that was able to occur because the permit was not as good as it should be.

Chris Greenlaw: I believe, if we all reflect back on our last few years here together and observance of applications that the town may have had after the fact, I took notes and I thought that moving forward this would be a benefit to the town, to the preservation of the wetlands, such that there is an awareness here, because you notice once we memorialize whatever modification to this permit, or not, it gets sent out to all the respective department heads and there has been, as you know, discussion pursuant to some of the recent applications that we have had with department heads and the manager and what I am looking to do is memorialize that on paper so that we have a process, because it is taken an extensive amount of time off my department to hire consultants and experts and witness that have testimony in public hearings and everything else, so why not get out in front of it and that is my proposal and to answer your question, yes, that is my proposal here so that we have a better line of communication, I'm your agent, I am not the people that have the department behind me that is actually conducting the work. Those people need to take the responsibility and be accountable and be aware and be cognizant, but it is up to us to give them the process so that we have a line of communication and education so going forward we are proactive instead of reactive. So the short answer was yes.

Vice-Chairman Sadil: Just want to move on with the agenda, but just two more comments. Commissioner Casasanta.

Commissioner Casasanta: Thank you Mr. Chairman, just to endorse what Commissioner Block said. I like the idea of an asterisk, because not that I, yeah, trust anybody, mistrust anybody's judgment involved right now, but we don't know what the future holds and for the sake of no uncertainty being there, in case for whatever reason, there are new people in any position involved in this, it would be better if we have it very explicitly set out, you know. Mr. Greenlaw, our chairman, I have the upmost confidence in their judgment. If it is minor, it is going to be approved on the department level, if it is something more substantial, I have full confidence that it will be brought before this commission before it is acted on. I don't have any problems with that, I am just thinking, you know, just in case, you never know what the future holds, you know maybe it would be best to really layout that language clearer, just in case.

Vice-Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: So I am hung up on two things. One is the permission, if there is any permission required or not because it just says notified and the second is back to that contractor question you deferred to Mr. Arbur and he made it clear that when a contractor was involved, it did come before the board, so I ask Chris are you comfortable just having the town hire contractors and letting the work or do you think if a contractor is involved, then it should be elevate above basic maintenance regardless of the size of the job even if they use a contractor to do the smaller thing, The way I read it, it sounds like we are talking about town employees, but this contractor came up a couple of times you raised it yourself, are you comfortable with it and if you are then I will defer to that.

Chris Greenlaw: In the past we heard from Commissioner Arburr who was the former town engineer and you see the permit in front of you and as Commissioner Bachand stated it doesn't specifically state contractor and my answer would be yes, there should be a provision in here that states we should have the availability to hire a contractor, but still with asterisk along, in line with any work it would require the consultation with the chair, so that we mitigate that, we always define and delineate what is that minor. You come to us, pretty much as Mr. Arburr did in the past, 200 scale plans, they have a certain, if you go to the statue as it relates to maintenance activities as of right, there is a mechanism for them to work. It specifically states drainage and maintenance of drainage and then allow the agent in consultation with the chair to define minor. Based on the narrative and the drawing of the contractor, depending on how complex or maybe more routine the activity is, but we should state in here or contractor or town's contractor, authorized by the town or hired by the town.

Vice-Chairman Sadil: Commissioner Block.

Commissioner Block: I hate to argue against you Chris, but it creates a real complication where there really isn't one, because what happens is that if you require some additional activity in order to use a contractor then the question when other department heads of other town agencies are coming before you the question is going to be their contractors and everything else. As it now stands, the department heads are responsible for the activities of their contractors. I would say that under the general permit, you have equal authority to be responsible for the activities of the contractors that you would engage, so the fact that the department has, is authorized under the general permit means that whoever they engage, be it a town employee or external contractor they still are dependent upon the supervision of the town agent. So the word, to include something for an external contractor creates an unnecessary complication.

Vice-Chairman Sadil: Ok, Chairman Zelek.

Chairman Zelek: Thank you. So, my two cents as far as this, having the wording for a contractor, I don't think it is necessary, because this is a permit and when we issue permits, we issue it to an applicant and we approve that permit and we don't say the applicant and their contractors, we just give it to the applicant. In this case, the applicant is the Town of Newington, they are free to use whatever contractors they want for their projects. So, I will use that as an example.

Commissioner Block: You are absolutely right, it is another valid point.

Vice-Chairman Sadil: Ok, so Mr. Greenlaw, for the comments we can mark this up right now or you have the edits, I have taken notes, listened to discussion, we will go back and compare notes later and we can discuss prior to the next meeting you will do the wording and then read the wording one more time at the next, at the April meeting.

Chris Greenlaw: Yes.

Vice-Chairman Sadil: Is that ok with you? We will table this discussion for now.

Commissioner Block: He will be off and running.

Vice-Chairman Sadil: Alright, I will turn over to Chairman Zelek and we will move on to the next agenda item.

Commissioner Casasanta: Do we need a motion to table on that?

Vice-Chairman Sadil: Um, I don't think so. Secretary Igielski?

Secretary Igielski: No.

Commissioner Casasanta: No, ok, I just want to be sure.

Chairman Zelek: Thank you Commissioner Sadil for sitting in for me. I think that brings us to Item C - Old Business - Inland Wetlands Regulations Changes - L.I.D. (Low Impact Development). Chris anything else.

C. Inland Wetlands Regulations Changes - L.I.D. (Low Impact Development)

Chris Greenlaw: Not at this time Mr. Chair.

Chairman Zelek: Ok, moving on. Item D - New Initiative - Vernal Pools. Commissioner Paskewich.

D. New Initiative - Vernal Pools

Commissioner Paskewich: Per our discussion at the last meeting and per your request to revisit the gentleman named Edward Pollack who had visited us some time ago regarding vernal pools and contracting under his company CT Eco Systems LLC. I did speak with him on the phone this last week and he did tell us, he did tell me that he had submitted a proposal, but it was only for one exercise and that was a mapping exercise. I asked him what type of equipment he would be utilizing for that and he stated that he would be combining the use of topographic maps and aerial images of the town and I asked him that I would look further into it and talk to staff and ask if we have topographic maps of our town and aerial images that he could utilize or anyone else. So I am asking the town engineer now that question.

Chairman Zelek: I just have a comment because I think when I spoke with Mr. Pollack in the past, he doesn't use the towns map, there is a map on file, there is a service that he uses that has aerial maps, specific to vernal pool mapping, they show dark areas of potential vernal pools.

Commissioner Paskewich: Well he mentioned, ok, he asked me if we had matched sets of aerial photos, he would be using matched sets to do, spectrum, spectrographic survey.

Chairman Zelek: Yeah, so, I think some towns may get them from this service, but I don't think we have. Right Chris?

Chris Greenlaw: Not to my knowledge. I thought we had discussed this quite a while ago.

Chairman Zelek: We did, and we are kind of looking at it again.

Chris Greenlaw: I mean, to answer Mr. Paskewich's question, I can certainly find the source of the aerial imagery that we perceived, I want to say MDC I'm not sure, and then we put our GIS on top of it as a layer. But I can certainly verify that, provide you with that and you can get back to the consultant and see if that is a benefit to you.

Commissioner Paskewich: Fine, I will be looking forward to that. Our discussion continued and I asked him whether or not he also provides a second exercise level which would be going to the vernal pools that were actually discovered and trapping amphibians and doing egg mass counts. The purpose of that is to take that research and determine impacts to potential developments that may become an opportunity in that area, especially the upland buffer area. So that is a second area that I asked about what the cost would be. He said he would have to know if we want the whole town looked at for vernal pool inventory or specific sites that have a higher interest versus a lower interest, so that is one of his questions.

Chairman Zelek: Well, before that happens, step one is the mapping. Right?

Commissioner Paskewich: Step one is the mapping and he said his initial fee was \$100.

Chairman Zelek: I think in the past we had some contributors that would be willing to cover that cost.

Commissioner Paskewich: It doesn't seem like a large cost to me. In fact, I asked him twice for the figure on the phone.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: Just speaking to the topographical maps, probably the best route to go there would be the USGS, they have what they call quadrangle maps.

Commissioner Paskewich: I am aware of that.

Commissioner Casasanta: Ok, that is what I am saying, it is probably fairly low cost and if you are really looking for topographical relief on any given piece of land that is probably the most inexpensive and convenient way to go.

Commissioner Paskewich: Well, I will leave that up to the research that we are doing. Thanks.

Chairman Zelek: All set?

Commissioner Paskewich: Actually, I did make another contact and the question is this. How many contacts should we make because it is a municipal project and is there protocol for bidding on something like this or not?

Chris Greenlaw: Protocol for bidding on a municipal project, if it's deemed a municipal project. So what is the funding source? I mean certainly if we have a project that is over \$30,000, you know you are going out to bid as far as the municipal guidelines. Certainly items that are, we

always get three quotes, usually verbal if it's a few thousand dollars, if its above \$5,000 you get written quotes and then if now, it its over \$30,000 you are going out to a formal bid, so I tell everyone, not matter what you do, whether you are putting in a driveway or having an environmental consultant, you know, usually 3 quotes is minimum, unless it is a very small project.

Commissioner Paskewich: So, if we stay first with the mapping exercise and the value is under what I am hearing, we don't need to go through a bid process. I just want to make sure that I was clear about that. Thank you.

Chairman Zelek: All right, John?

Commissioner Bachand: Just real quick, my comments are just anecdotal of casual about vernal pools, I just walk around and observe them, but we did kind of just went by the breeding period, there may be a few still out there, but if you open your windows at night or if you live near any bodies of water, you would have heard them the last couple of weeks which was at least a couple weeks earlier than last year. I would just be curious how critical those little guys, those little tree frogs are, which I never see them and I am always outside. How critical they are to the whole ecosystem, it is kind of curious. Are they just there for no reason or do they play a more important role in the ecosystem. Most creatures do, we just don't know what is it though. It is kind of interesting. A very casual observation.

Commissioner Paskewich: I can answer that for you. Part of it is the predator process; everything relates to something else in food, there is a food chain. It is part of the food chain process; I will keep it that simple. So it does all relate.

Chairman Zelek: Commissioner Block.

Commissioner Block: Even though the \$100 charge is very nominal, certainly there is a large portion of the town which I would guesstimate to be somewhere about 60-70 percent, which by construction in definition is not subject to being considered for vernal pools. So, certainly the scope of work can be directed a little bit more carefully and reduce the scope of the project and the cost thereof significantly.

Commissioner Paskewich: I am not quite sure what you are saying.

Commissioner Block: I am saying that is doesn't do much good to check Lowery Place or the Berlin Turnpike for vernal pools. There is huge.

Chairman Zelek: I think what it is, there is an aerial map and then they just go. This is all in Newington, bang, bang, bang, bang, you know there is three potential sites and that is how it works. They don't rule out or rule in any area.

Commissioner Block: That is what I am saying.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: Does anyone know that the total project is that is being considered? Because, in my opinion, you should not be breaking up a total project into smaller pieces. Just such that each piece could then be under a certain monetary level and addressed in a less formal way. What will the cost of the total project, whatever it might be.

Chairman Zelek: It is a step in the right direction, rather than showing you the whole project. From time to time we have these questions come up, the MDC for example, they are showing us their map and we draw up the question, are there any vernal pools in there? Now this map will help us, give us some guidance and we could say, we don't see any vernal pools or we see a potential vernal pool and then we could ask further questions about it. So, it would give us a key to understand where are those potential areas of concern when these applications come to us.

Commissioner Igielski: So it is just a one step project, the one that is going to cost \$100? Or are there fee charges?

Commissioner Paskewich: That first exercise is what he stated and it probably is in our.

Chairman Zelek: So, get a clarification, is the \$100, what exactly do you get for \$100.

Commissioner Igielski: And no further expenses thereafter.

Commissioner Paskewich: Ok, let me answer. He gave us a contract proposal, where is it. That is my question, so we can read the actual proposal that he has already submitted to us.

Commissioner Igielski: Are you saying, Mr. Chairman, are you saying it is submitted, this contact proposal has been submitted to the conservation commission for consideration?

Chairman Zelek: It was given to us a couple of years ago. Yeah, Commissioner Block was the chairman at the time.

Commissioner Casasanta: You were heading the vernal pool subcommittee at the time.

Chairman Zelek; Right, I was heading it at the time and I received a proposal and we.

Commissioner Igielski: Was that proper protocol? Since the conservation commission is only an advisory commission and the wetlands commission issues wetlands permits. Should perhaps this activity that you are speaking of doing come under a town department?

Commissioner Block: No, it was proposed to the conservation commission under that hat, that it would be appropriate for the town to investigate mapping of the vernal pools and we received materials and at that point in time, if I recall correctly, and I may be vague on it, it was just ruled that it was a little too complex an issue to be considered at that point in time and it was put aside. I presume that those, that proposed contract, which is now out of date of course, is still in the files which we could use for reference.

Commissioner Paskewich; That is what I am proposing.

Chairman Zelek: Well, you know what.

Commissioner Block: But that was, as you said, several years ago.

Chairman Zelek: So John to your point, are you thinking like.

Commissioner Igielski: I just would question that.

Chairman Zelek: What department would you suggest would be responsible for town maps?

Commissioner Igielski: What current department oversees town maps now, Mr. Greenlaw?

Chris Greenlaw: For wetlands?

Commissioner Igielski: For town maps in general.

Chris Greenlaw: We have one official map of wetland watercourses.

Commissioner Igielski: In what department? Overseen by what department?

Chris Greenlaw: We would say engineering, because engineering staffs the agent.

Commissioner Igielski: Correct, so in that respect it would seem that the conservation commission would be advisory in nature to suggest to the town engineering department that a contractor be brought on board to identify the vernal pools within the town of Newington and the work that Commissioner Paskewich is doing can be in support of that effort, but it seems as though the effort per se has to come from the engineering department and therefore any dollar contracts or any contracts would have to be reviewed in accordance with engineering department protocol.

Chairman Zelek: Right, so the professionals are handling it.

Commissioner Igielski: The signing of a contract is then done by the appropriate town official.

Commissioner Block: Mr. Chair, if I may. At that point in time, the thought process was that the conservation commission would be investigating, offering a proposal to the town manager for consideration and that if the town manager endorsed it, wanted to pursue it, then obviously it would come down to.

Chairman Zelek: I think you are right. What John is saying makes sense.

Commissioner Igielski: The advisory could be from the conservation commission to whomever.

Chairman Zelek: And then the engineer carries it forward to where he would go for approval for any suggestion or project.

Commissioner Block: Six of one, half a dozen of the other.

Commissioner Igielski: Right, as far as the conservation commissions sending the notice to town engineer to the town manager. The advisory of being the town manager suggests that.

Chairman Zelek: So Alan, would you go back to Mr. Pollack and ask him how other owns have done this in the past?

Commissioner Paskewich: Actually, I looked at the Town of Vernon before I called him.

Chairman Zelek: And what was their process, how did they?

Commissioner Paskewich: Just as I stated, they did a first exercise,

Chairman Zelek: How internally did they process that? That's the question.

Commissioner Paskewich: I will go revisit that and look it up.

Chairman Zelek: Ok, we will table this for now and move on. Invasive Plants, Kathleen?

E. Invasive Plants

Commissioner Clark: Nothing to report.

Chairman Zelek: Public Participation on Non-Agenda Items.

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

Chairman Zelek: Seeing no public we will move on to Communications and Reports.
Administrative Approval - Application 2016-03AA, 189 Louis Street, sign replacement in Upland Review Area (URA).

IX. COMMUNICATIONS AND REPORTS

A. Administrative Approval - Application 2016-03AA, 189 Louis Street, sign replacement in Upland Review Area (URA)

Chris Greenlaw: I think we have a series of four each in approval to report to this you this month, the first one being Administrative Approval - Application 2016-03AA, 189 Louis Street, sign replacement in Upland Review Area (URA). I will make one general statement that all these agent approvals, just to reiterate, we accept all applications with the anticipation that they are going to come to the commission. If we see those that are deemed to be possibility minor activities, I in my communication with the chairman, invite him to come in and we have a discussion, we review the maps, we look at the history, he asks questions and ultimately, we go and we look at the site. So the first one was on 189 Lewis Street. It was a sign replacement in upland review. It was actually a sign that would be deemed put in the same exact location and if was smaller, thinner in nature and it was not to be, I don't believe it was going to be lit, correct?

Chairman Zelek: No.

Chris Greenlaw: Yeah, no. So there was not trenching, there was no trenching it was literally the sonatubes that were going to be placed, they were going to utilize the same foundation and footing and it was going to be a small footprint.

Chairman Zelek: It was just something like change of ownership of the company that was operating there, so they are changing the sign which is small, modern.

Chris Greenlaw: In the same exact spot.

B. Administrative Approval - Application 2016-04AA, 160 Superior Avenue – Drainage improvements and playscape installation in Upland Review Area (URA)

Chris Greenlaw: The second one, Administrative Approval - Application 2016-04AA, 160 Superior Avenue – Drainage improvements and playscape installation in Upland Review Area (URA). This was an application by the BOE at the Ruth Chaffee School and they were proposing to put in a playscape directly adjacent to the footprint of a playscape that was there, it was going to be of the somewhat traditional design of the safe play surface, very much like you see at Mill Pond Park, the accessible playscape. They have a rubber surface if you will, outlined in concrete so there is going to be grading and there was going to be an under drain component to keep subsurface waters from coming up through the surface as well as rain water that falls on the surface can be evacuated and made wet.

Commissioner Bachand: Mr. Chairman. On that one, if you recall, I had a question, I emailed it that I was concerned about crumb rubber, but you are talking about a rubber mat of some sort that most likely does not decay.

Chairman Zelek: It was a small pipe going into the upland review. It wasn't going right into a wetland.

Commissioner Bachand: I am talking about the matting that goes under the playscape, but you are saying it is a solid mat of some sort as opposed to loose, they used to use, even at the same school years ago, they had the shredded tires over there, that is a little different than crumb rubber.

Chris Greenlaw: This, when applied, is going to be in I believe as a fluid and it is going to set up as a solid, but yet flexible.

Commissioner Block: Its a mat of an aggregate rubber particles that adhere to each other for the most part, its inert.

C. Administrative Approval - Application 2016-05AA, 129 Main Street – Shed in the Upland Review Area (URA)

Chairman Zelek: The next one - Agent Approval - Application 2016-05AA, 129 Main Street – Shed in the Upland Review Area (URA). Some of you may remember 129 Main Street as having a little bit of a history, there was an application for wetland map amendment, there was some filling

on the site and then there was a contractor that came and was building on the site, so Chris and I gave this one quite a bit of attention. The new homeowner, the is along Piper Brook on Main Street, because we knew there was quite a bit of a history there, we spent a considerable amount of time on very cold day outside with the homeowner going over his site plans, Chris observed the water flow, you could see the footprint of the water, where it was flowing and made some suggestions to the homeowner, moved is away from that particular flow, the shed was placed on the highest site within the boundary of the property, so it was the best and least impactful area for a shed. Significantly quite a distance from the wetland in the upland review area.

Chris Greenlaw: And if the commission can appreciate, we entertain these applications, we educate the people, we help them develop their plans. There is a conversation with the chair, we set up what time go out in the field and there was going to modifications pursuant to our visit, but the chairman said, of course I will not sign this until the plan is modified, and a mylar is made and then pursuant to that, then the chairman comes in to make sure that the plan is in conformance with the upgrade and recommendations that have been translated from the field back to the plan. So, it is still and iterative process, it's just in a condensed time period because it is of minor activity.

Chairman Zelek: And I think your suggestion, you know, thee zoning regulations say five feet within the property lines, we actually had it be pushed back within 10 feet on one side and 15 on another.

Chris Greenlaw: Correct.

Chairman Zelek: So it was a significant distance from the property lines in order to let that water flow. The next one, Administrative Approval - Application 2016-07AA, 98 Moreland Avenue - Shed and deck in the Upland Review Area (URA)

D. Administrative Approval - Application 2016-07AA, 98 Moreland Avenue - Shed and deck in the Upland Review Area (URA).

Chris Greenlaw: Correct and again we visited the site and this shed didn't even require any sonatubes or pierce into the ground, it was kind of a Kloter Farm placed on gravel and the gravel so that even the gravel didn't migrate. The homeowner had put timber around it, and a very nice job of placing that and while we were there we observed the deck and this deck was interesting. It was reminiscent of another deck, it is a floatable deck so there pierce, no ledger board, even against the house, it is floating on the ground but appears to be permanent and it is kind of contiguous with some of the other outside concrete deck that they had, so we memorialized that in the permit and got it on the plan with the application and witnessed it as designed.

Chairman Zelek: That is pretty much everything that is on our agenda. Any further comments by commissioner before we close and go to adjournment.

Commissioner Bachand: I just have one thing and I know it is late and nobody wants to stay much later, but back to the question of, again we can deal with it another time.

Chairman Zelek: As long is doesn't relate to any application that we are hearing.

Commissioner Bachand: No.

Chairman Zelek: Ok.

Commissioner Bachand: Are you saying don't discuss it?

Chairman Zelek: Go ahead.

Commissioner Bachand: On the wetland requirement, that any activity, even in the upland review area, a lot of people aren't aware that have this upland review area, are we talking about someone wants to make a garden, they want to bring in a load, 2 yard of dirt to level their lawn, technically I guess it falls into that realm, but I am not suggesting we go out and police it, but maybe we could at least have a note or something to notify everyone at least so that there is not surprise like we saw over on Willard over here.

Chairman Zelek: So this is a continuation of your complaint earlier.

Commissioner Bachand: Yeah, educational thing.

Chairman Zelek: So, maybe that is a topic for a future meeting.

Commissioner Bachand: Yeah, I think so, if other people think it is worthy.

Commissioner Block; We have had this discussion in the past and it was proposed that if there was enough interest in this that the proper vehicle would be to create an insert to be added to the tax bills or some other municipal mailing to remind people of what scope of activities should be brought to the attention of the commission to permit or whatever.

Chairman Zelek: Ok, so let's hold our comments on this because I have a feeling that this is going to a topic for discussion. We will put it on our agenda for the next meeting and we will carry it then.

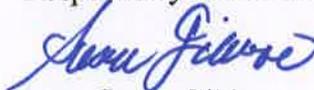
Commissioner Block; If you do that then I would suggest that Chris might search his materials for what we have had in the past.

Chairman Zelek: Good suggestion. Motion for adjournment?

X. ADJOURNMENT

Motion by Commissioner Block, seconded by Commissioner Clark; it was unanimously voted to adjourn the meeting at 10:30 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary-Conservation Commission