

CONSERVATION COMMISSION

REGULAR MEETING APRIL 15, 2014

CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:05 p.m. and noted Commissioners Casasanta, Igielski and Sadil were present. Also present were Alternates Krawiec and Paskewich and Mr. Chris Greenlaw, Town Engineer.

NOTE: Chairman Block noted that alternate Krawiec would vote for Commissioner Ancona and that Alternate Paskewich would vote for Commissioner Zelek.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Mr. Gary Bolles, 28 Burdon Lane noted that per an "Audubon Advisory, dated April 2014 and entitled New Rule Would Protect Streams and Wetlands", the EPA of the United States has announced a proposed rule that "will preserve vital safeguards for our nation's waters by insuring that all streams and the wetlands in their flood plains will be covered under the law". He further noted per the advisory the proposed rule "would cover 60 percent of the nation's tributaries. The new rule prohibits the pollution and infill in these waters and allows for enforcement action, including civil and criminal penalties (listen to audio tape for the details of his remarks). He passed out a copy of the advisory to Commission members

Mr. Roy Zartarian, 25 Stuart Street entered the following remarks into the record:

- A. Program that came out of upstate New York entitled "Pollinator Friendly Towns Initiative". It is a program where town officials pledge not to use pesticides, herbicides etc. and plant shrubs, trees and flowers that would serve as hosts and food sources to bees and butterflies (listen to audio tape for the full details of his remarks). He passed out an information sheet on the program to Commission members.
- B. He noted that in a letter dated March 14, 2014 from Mr. Robert J. Klee, Commissioner of DEEP to the Office of Policy and Management, Bureau of Assets Management, State of Connecticut, which states that it is the recommendation DEEP that all undeveloped land on the former Cedarcrest Hospital site to remain as open space land. He provided a copy of the letter to Commission members.

- C. He noted that he (Mr. Zartarian) and another Newington resident will lead a major hike on Cedar Mountain on "Trails Day" June 6, 2014. More information will become available at a future date.

#### ITEM IV

#### ACCEPTANCE OF MINUTES

Regular Meeting of March 18, 2014

Commissioner Igielski noted the following corrections:

- A. Page 1---ITEM IV, ACCEPTANCE OF MINUTES should read "A. Regular Meeting of February 18 (28) 2014"
- B. Page 7---3<sup>rd</sup> paragraph from the bottom of page, 4<sup>th</sup> line from the bottom of page should read "necessary for Application 2014-3 because the proposed activities will (do) not have a major impact"
- C. Page 11---6<sup>th</sup> paragraph should read "Commissioner Igielski: I make a motion based on the evidence put forth, the Commission make a finding of fact that a public hearing is not necessary for Application 2013-22 because the proposed activities will (are) not have a major impact or significant effect on the regulated area."

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Sadil. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM V-PUBLIC HEARING

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

Mr. Chris Greenlaw, Town Engineer, noted that the legal notice of the continuation of the "Public Hearing" appeared in the Hartford Courant on April 4<sup>th</sup> and April 10, 2014. He proceeded to read the notice into the record.

Mr. Greenlaw asked for concurrence from the Chair to ask Commissioner Igielski (Commission Secretary) a question? Chairman Block gave his concurrence.

Mr. Greenlaw noted that he had a correspondence from the Town Plan & Zoning Commission relative to the agenda item. Would it be appropriate to present the correspondence under this item (continuation of the public hearing) or under "Old Business, ITEM VII A---Inland Wetland Regulation Changes---L.I.D. (Low Impact Development)"? Commissioner Igielski responded under the public hearing item.

Chairman Block read into the record a memorandum to Mr. Greenlaw from Mr. Craig Minor, Town Planner, dated February 18, 2014 noting that the Town Plan & Zoning Commission at its meeting of February 12, 2014 voted to give a favorable recommendation to the Conservation Commission's

proposed L.I.D. (Low Impact Development) Amendments to its (Inland Wetlands and Watercourses) Regulations (listen to audio tape for the full details of the memorandum).

Mr. Greenlaw noted that he is still waiting for responses from DEEP and the Newington Town Council. He also noted the Town Attorney recommended that the public hearing be kept open as long as necessary for this item.

Mr. Greenlaw noted that the hearing can be kept opened statutorily because it is not an application.

Commissioner Iglieski recommended that a copy of the memorandum be provided to all Commission members prior to next month's meeting.

Motion made by Commissioner Iglieski to keep the public hearing open and carry it over to the May meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VI

NEW BUSINESS: NONE

#### ITEM VII A

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

Mr. Greenlaw noted that there is nothing new to report at this time.

#### ITEM VII B

Inland Wetland Official Map Changes

Mr. Greenlaw noted that there is no new progress to report on this initiative at this time. It also appears that the status quo would remain in effect.

Commissioner Iglieski suggested that the Commission consider removing the item from the agenda until such time when there is something new to report.

Motion made by Commissioner Iglieski to remove the item from the agenda until such time when there is something new to report and was seconded by Commissioner Sadil. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

#### ITEM VII C

Sub-Committees and Initiatives

Commissioner Iglieski noted that due to the ongoing confusion during our meetings on this subject matter; it was suggested that the generic description of "Sub-committees and Initiatives" not be used. He recommended that a specific Sub-Committee Initiative be listed as a separate agenda item. It was his opinion that this change could be done administratively.

Chairman Block concurred (with Commissioner Iglieski's assessment).

Mr. Greenlaw asked as a point of order that if Commissioner's Igielski meant that the current item "Sub-Committees and Initiatives" would be removed from the agenda? Chairman Block responded yes.

Alternate Paskewich asked what would happen to the current initiatives ("Vernal Pools and Litter Abatement Initiative")? Chairman Block responded that "Vernal Pools" would retain its position on the agenda under "OLD BUSINESS" and "Litter Abatement Initiative" would be added to the agenda as a separate item under "OLD BUSINESS".

Commissioner Igielski suggested that a new initiative (specific matter to include any background information) would appear on the agenda under "COMMUNICATIONS AND REPORTS". If it is the consensus of Commission members, following a review and discussion of subject matter, to move it forward; then, said item would appear as a new item on the following month's agenda under "NEW BUSINESS".

Chairman Block noted that if a proposed new initiative includes adequate supporting documentation, the Chair could move the item forward directly on to the agenda as a new item under "NEW BUSINESS".

Alternate Krawiec entered a copy of a poster and letter that has been developed for the "Litter Abatement Initiative" into the record. She noted that 150 businesses were visited where posters were distributed and 300 letters were sent out to businesses. She also noted the school system and the Town have been notified of the "(Litter Abatement) Initiative.

Alternate Krawiec noted the committee on this Saturday will conduct a field trip to determine potential sites to be designated for clean up on "Earth Day".

Alternate Krawiec in response to a question, noted that Cedar Mountain remains on the list, but Churchill Park and Mill Pond Park have been removed because they are under continuous maintenance by Park Department personnel.

Chairman Block noted that the Toll Brothers property on Cedar Mountain is off limits (due to pending litigation).

Mr. Greenlaw noted that that he has been in consultation with the Town Attorney on Cedar Mountain. He has a letter from the Town Attorney noting that any activity should be limited to public lands.

Alternate Krawiec noted that if a Commission member is planning to participate in "Earth Day" activities, please let her know as soon as possible.

#### ITEM VII D

New Initiative---Vernal Pools

Commissioner Casasanta, a member of the sub-committee reported that there is nothing new to report on the "Proposal and Recommendation for Vernal Pool Mapping".

#### ITEM VII E

##### Invasive Plants

Alternate Paskewich noted that he attended the annual meeting of the Experiment Station Associates Program. Among the speakers was Mr. Gregory Bugbee, Associate Scientist with the Department of Sciences. His subject dealt with the invasive aquatic plant problem in Connecticut. He addressed several ponds and lakes in Connecticut that have not been able to be stabilized relative invasive aquatic plant growth. There is a new invasive plant called the "Brazilian Weed" in a lake in Guilford. They are trying to mitigate the problem with the introduction of the "Weed Carp", which is a grass eating fish. Mr. Bugbee went into more detail on the effect of the effort to date. He also went into other technologies that are being evaluated to address the problem (listen to audio tape for the details of the presentation).

Chairman Block noted there is a prime example of the problem being discussed by Alternate Paskewich; namely, the 1860 reservoir in Wethersfield. Originally, the reservoir was about 80 acres in size. Today it is about 20 acres in size.

#### ITEM VIII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM IX

##### COMMUNICATIONS AND REPORTS

Alternate Krawiec inquired if any further consideration has been given to Mr. John Marchund's offer to conduct a guided tour for Commission members of Cedar Mountain. There was a general discussion among Commission members noting there was a lack of detail in the offer, the concerns expressed by Town Attorney, pending litigation and co-ordination that might be required in advance (listen to audio tape for the details of the discussion).

Chairman Block recommended that the Commission put the offer off to the side at this time and noted that Churchill Park might be a better starting point, where areas have been taken over by invasive plants. He would not want to start with Cedar Mountain with the pending court case.

Chairman Block noted that if things work out at Churchill Park, the Commission could look into other possible site locations.

Mr. Greenlaw noted should the Commission decide to go forward (after Churchill Park) guide lines should have been developed and made available to Commission members before the Commission moves on to another initiative.

Chairman Block requested that Mr. Greenlaw make the e-mail from the Town Attorney available to Commission members.

Chairman Block noted that he would contact DEEP to see if someone could be made available as part of a walking tour of Churchill Park.

Mr. Greenlaw suggested that the Commission might sponsor a forum, similar to the one held on invasive plants, where an expert was brought in to speak on the subject matter.

Chairman Block noted that he is frustrated on the lack of feedback from the attorneys on how they are progressing on the court case (Toll Brothers). He noted (in his opinion) that there is a solution out there and they should be coming to a resolution.

Alternate Paskewich noted that he has been invited to attend a fast pace environmental workshop at Hampshire College, Amherst, on April 26, 2014 (listen to audio tape for the full details of his remarks).

Mr. Greenlaw noted that he was notified by correspondence dated April 3, 2014 that the applicant has withdrawn Application 2014-04 for 16 Fenn Road with no return of the application fee.

Mr. Greenlaw noted that a permit was issued by Administrative Action for Application 2013-18AA, 182 Day Street.

Motion made by Commissioner Sadil to adjourn the meeting at 8:05 p.m. and was seconded by Alternate Krawiec. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

Sincerely;



Peter M. Arbur  
Recording Secretary

Commission members  
Tanya Lane, Town Clerk  
John Salomone, Town Manager  
Town Planner  
Councilor Myra Cohen  
Councilor David Nagel  
Chairperson, Town Plan and Zoning Commission  
Peter M. Boorman, esquire, Town attorney  
Chris Greenlaw, Town Engineer  
Lucy Robbins Wells Library (2)