



NEWINGTON CONSERVATION COMMISSION

Tuesday, April 19, 2016

Meeting Minutes

I. CALL TO ORDER

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

II. ROLL CALL

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

Also present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes of the meeting held on April 19, 2016 are verbatim.)*

Chairman Zelek: Ok, I see I have a full commission so need to point any of the alternates this evening. Just a note to the public, or the applicants and for the commission, take a moment to silence all of your electronic devices, please use your microphones when speaking, wait to be recognized by the chair please, do not interrupt anyone when they are talking, everyone is going to have an opportunity to speak and to also be heard, OK? With that said we will go on to 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 March 15, 2016. Any corrections to the minutes from the Commissioners? Commissioner Clark.

Commissioner Clark: On page four, in the large paragraph in the middle, it is Chris speaking and there was a word that I think was not understandable, because it says "it's almost a sub ___" and I wondered if Chris wants, knows what he was saying and fill it in.

Chris Greenlaw: Mr. Chair if I may. I looked at that myself and I would ask that just be omitted because the rest of the sentence clarifies the statement. I can speculate to maybe what the word is, but I think we are covered with the rest of the testimony. Thank you.

Commissioner Clark: Thank you. On page 8, again the largest paragraph in the middle, Mr. Webb's speaking, there is a sentence that says "this large storm water treatment pond and the tied down to the existing wetland".

Chairman Zelek: Would the commissioner repeat what page was that?

Commissioner Clark: It is page 8, the fourth line of the large paragraph in the middle of the page.

Commissioner Bachand: It should be tied into.

Commissioner Clark: Ok, and one last general comment, which starts on page 9 and that is in the line after the long paragraph and it says Myra Cohen way and way is in small letter and I think, and it shows up like that throughout, and I think it is unclear what Myra Cohen Way is, that it is a street and I would like to see it capitalized (global change throughout minutes.)

Chairman Zelek: Anything else? Commissioner Arburr?

Commissioner Arburr: Yes, on page 4, at the bottom of the page where it says "Commissioner Arburr: Mr. Chairman" I would like to put there the reason why I was late to the meeting.

Chairman Zelek: That's not part of the minutes. We can talk about that later. Do you have any corrections to the minutes?

Commissioner Arburr: Well, that would be a correction to the minutes Mr. Chairman because in fact I wasn't allowed to speak.

Chairman Zelek: That is not part of the record, we are not adding anything to the minutes.

Commissioner Arburr: Can I ask that I call an attorney?

Chairman Zelek: Commissioner Block?

Commissioner Block: Mine is similar. On page 8 you recognize me, but no where does it appear by the front that I was in attendance.

Chairman Zelek: I think just the fact that we recognize that you had arrived, indicates that you were in attendance. We could add it to the beginning.

Commissioner Block: Procedurally, I think that's the way it is normally done.

Chairman Zelek: If the recording secretary could add Commissioner Block (7:08 p.m.) and Commissioner Arburr (7:10 p.m.) and the times they arrived as an addendum to the roll call.

Commissioner Block: Thank you.

Chairman Zelek: Commissioner Paskewich did you have something?

Commissioner Paskewich: Yes, page 50, approximately half the way down titled Commissioner Paskewich, just a small typo, at the end of the paragraph it is not contactors it is contractors, so just an "r" that has to be added, that's all.

Chairman Zelek: Thank you.

Commissioner Paskewich: You're welcome.

Chairman Zelek: Anything else from the chairs? Ok, Chris.

Chris Greenlaw: Mr. Chair, page 28, it refers to a Class B survey that should be Class D as in Denver under my remarks.

Commissioner Block: Second paragraph.

Chris Greenlaw: Thank you.

Chairman Zelek: Anything else?

Chris Greenlaw: That's all.

Chairman Zelek: Can I get a motion to accept the minutes?

Commissioner Casasanta: I make a motion to accept the minutes as corrected.

Chairman Zelek: Motion by Commissioner Casasanta. Can I get a second please?

Commissioner Block: I second.

Chairman Zelek: Commissioner Block seconds. All in favor?

All commissioners: Aye

Chairman Zelek: Opposed? Abstentions? It's unanimous. Moving on to the next item Public Hearing. First item is Inland Wetlands Regulation Changes - L.I.D. (Low Impact Development). Chris any updates?

V. PUBLIC HEARING

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

Chris Greenlaw: Mr. Chairman, no updates at this time.

Chairman Zelek: Ok, this is a public hearing, so any member of the public wishing to speak on Inland Wetland Regulations - L.I.D. (Low Impact Development), please come forward. Seeing none, Chris would you like to extend this to the next meeting.

Chris Greenlaw: Yes, Mr. Chair.

Chairman Zelek: Very good, we will continue.

Commissioner Bachand: Mr. Chair, can I speak to that, the Low Impact Development?

Chairman Zelek: We will get back to it again under old business, so if you can hold your comments until then.

Commissioner Bachand: Oh, ok.

IV. PUBLIC HEARING

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

Chairman Zelek: Next item is Public Hearing Application 2016-02A, 690 Cedar Street – Wetland Map Amendment. If the applicant is present could they please come forward. Because I think we have a lot to address with this particular application, I kind of sketched an order that we are going to follow regarding review of this. The first thing I want to address are the items that we requested from the prior meeting, there is some additional materials, there was a map and some other things that we asked for. Then we are going to go onto the subcommittee's report and after we conclude that we will go on to the consultants' report, a supplemental report that they submitted to us and then move on to public comment. So items that we have requested from the party, there was a map requested an overlay of the area.

Chris Greenlaw: Correct, we have an updated map. If you would like to see that first. You did ask for some existing features, I believe you should have those maps in your packets.

Chairman Zelek: Ok, so Chris was kind enough to put this together for us, so I request that if the Commissioners have any questions, please wait to be seen. So the commissioners should have a map that matches the slide here.

Chris Greenlaw: There should be. Those were in the packet we sent out last Thursday.

Commissioner Block: Mr. Chairman, for some reason your mic is not broadcasting very well.

Chris Greenlaw: Check.

Commissioner Block: It worked for you. Maybe you're not speaking close enough.

Chairman Zelek: Better?

Commissioner Block: No.

Commissioner Paskewich: No.

Chairman Zelek: I don't want to shout at you.

Commissioner Block: Shout at the mic.

Chairman Zelek: Ok, does anyone have any questions on the new materials?

Commissioner Paskewich: I have a question. Could someone, the applicant or the engineer refer to the changes that are here.

Chairman Zelek: So, there really weren't any changes, this is kind of an overlay. So Chris, want to go ahead and show them what you produced yesterday?

Chris Greenlaw: Right, in the revisions block you note the date and I'll speak in generalities to what was added, but if I may. I believe what we asked for was to show some of the existing features and I believe specifically to the western side of the site, the commission or the consensus of the commission was to add the inland wetland as they existed in 2007 that was identified by I believe REMA Ecological Services prior to the application for Hayes site development to fill those wetlands, so we have existing features now that totally encompass from the CT Fastrack station, the detention basin, Myra Cohen Way as built, or pretty much as built showing the slopes, so now you can identify with the contour lines how much fill is in that area over what was once the wetlands and then proceed again to the west reference as to some of the wetlands that were identified in 2007. I will state for the record that I believe that that pond was not existent in 2007, that is a reference to wetlands that go back many years before then, so you should have now some tangible references if you go into the field, as you've gone into the field as a subcommittee member to orientate yourself and have an idea of the past wetlands as they relate to the wetlands as identified by Ian Cole and C.W. Webb Associates.

Chairman Zelek: Commissioners any other questions regarding the materials? Ok, seeing none, Chris were there any other items to be submitted for this application? Can we move on?

Chris Greenlaw: Items to be submitted would have been the addendum report and that was pursuant to, there was a subcommittee, there was a request to have a subcommittee to go into the field and that subcommittee of three, along with the wetlands soil scientist and Mr. Brecher and myself observed the existing terrain, they asked us, specifically there were some areas of concern, staff then revised the scope of services to have the soil scientist perform some additional field analysis and present a report and I believe you have an addendum report and in addition to that, I believe the soil scientist is going to provide what would be an additional supplementary report of physical augering of soils that were conducted I believe as late as last Friday. We don't have it in a written form, but they are prepared to provide a verbal narrative of their findings in the field. But the addendum you do have as well as the subcommittees report, so you are going to have two written items, there was further field analysis and you are going to have a verbal report as to those findings as of last Friday I believe.

A. Brecher: Mr. Chairman, this is a hearing correct?

Chairman Zelek: Yes it is.

A. Brecher: So, as the applicant, Andrew Brecher representing the Town of Newington, I have with me today Ian Cole our soil scientist and our wetlands ecologist, Clinton Webb. We do have a couple of other pictures to show you that might help clarify what we are talking about for the commissioners. There was some confusion at the last meeting and in fact some confusion when we walked around the job site. So if I may could I start our presentation that will include addressing the items that you...

Chairman Zelek: I am going to stop you right there, because I already sketched out the order that we are going to do this. We asked first for the new items that were to be submitted from the prior meeting, we are going to go to the subcommittees report first and then we are going to allow you to

show the additional supplemental report and I think that's what you were just trying to drive to right now. So.

A. Brecher: I think the order that we contemplated might be easier for the commissioners to understand, so I am not disagreeing with you, I am just suggesting an alternative path.

Chairman Zelek: What is your new path?

A. Brecher: The path would be that I am going to make some introductory remarks, they are then going to talk about the results of what we saw on the field inspection, then they are going to talk about what they found when they did some additional soil sampling and then they are going to sum it all up.

Chairman Zelek: Unfortunately, that doesn't give the subcommittee a chance to report its findings to the commission, so I am going to stick to my original agenda.

A. Brecher: I just want to make this clear, this is a public hearing, we are the applicant.

Chairman Zelek: Yes it is.

A. Brecher: We....

Chairman Zelek: And I am the chairman and I am setting the order that we are going to run this meeting in.

A. Brecher: The order of the

Chairman Zelek: The first item.

A. Brecher: Hearing.

Chairman Zelek: The first item we are going to look at....

A. Brecher: I just want to make it clear.

Chairman Zelek: The first item we are going to look at this evening is the subcommittee's report. Ok, so Chris would you please bring that up. So I will walk us through this for the benefit of the commission and I am going to ask Commissioner Paskewich and Commissioner Bachand to assist me where necessary. So we went out on Thursday, April 7 at approximately 3:00 p.m. down at the National Welding site on Cedar Street. In attendance were the applicant, Andy Brecher, his ecologist Clifford Webb [*correct name is Clinton Webb, incorrect on report*], soil scientist Ian Cole, our town engineer Chris Greenlaw, myself, Commissioner Bachand and Commissioner Paskewich. The weather conditions, although not very present, were ideal to witness the water flow at the site. It was pretty much a torrential downpour, we had high winds, I believe by 6 o'clock we already had ½ inch of water, so we were able to observe how the water was flowing around and about that site. The first observation, I made, it came to my attention rather quickly, was an area in the southwest corner of the former National Welding site that had signs of aquatic plant life. There are a number of dead reeds in the water, it indicated that there was prior year or years growth, there was current leafy green juvenile plants emerging from alleged dormancy, it gave indications of being a habitat and was sustaining hydrophilic type of vegetation. The presence of the dead growth indicated that this feature was not

recently formed. The feature was not indicated on the map amendment report by the applicant's consultants and I am going to ask them to address that later on in the meeting. So, as I was standing there I asked Mr. Cole, what is this and he mentioned that it was not a functioning wetland, so I kind of questioned what does functioning mean, because if you did see the presence of aquatic plants, Mr. Cole did point to the gravel base. I did observe the gravel, I walked into the water, I reached under the surface and I pulled out silty materials and questioned what these were. I am obviously not a soil scientist, I am a layman, I am not going to call this a wetland, I am going to let the experts call it what it is, so these are all layman's observations that I am reporting to you, alright. The area, although I said was approximately 20 x 10 feet. I revisited the site and kind of grossly underestimated those measurements. I would say it is more of 30-40 feet long on one side and possibly 50-60 feet long on another side. I would ask that if anybody, that is consultants or town engineer, somebody had taken some actual measurements of it, I would appreciate that those measurements get added into the record. For the benefit of the commission, I added into your packets our definition of a wetland and a watercourse. We require that three items, two of three items be present. We look for deposits of alluvium and detritus alluvium in the silty type of soil, detritus meaning dead or decaying organic material, both of those I did observe. The presence of standing water or filling water long than the storm water incident was another condition that needed to be met and that was also witnessed and the third item we observed was the presence of hydrophilic vegetation, that being the reeds that were growing in the area. I will state that we also observed the possible source of the hydration. There is a hard surface, a driveway to the old National Welding site, which a lot of storm water was running down and into that area. There was some materials that were put in place that looked like they were trying to divert the water.

Commissioner Paskewich: Excuse me Mr. Chairman, can you reflect on the map that area that you are talking, that road. Thank you.

Commissioner Sadil: Mr. Chairman, I think I have a question, the southwest corner, I don't want to interrupt you.

Chairman Zelek: So let me show you, this is facing north, this would be west, east, west, south. So this would be the southwest corner here. So this is the former National Welding guideline, we observed the water running down here, there is a retaining wall here made out of large concrete blocks, the wetland pretty much runs the entire length of that and then goes this way probably about 40 feet, so it is my estimation probably like 40-50 feet this way, 60 feet this way and it maybe kicks out 5-10 feet. So it is kind of a triangular shaped wet area with a lot of reeds growing in it. Again, that water was flowing pretty heavily down here, there was some damming, some materials that were put in place here, water seemed to be flowing around it and flowing into that wet area. Chris, if you could...

A. Brecher: Can I have some clarification Mr. Chairman. You used the terms the wetland and wet area, which one?

Chairman Zelek; Again, I don't want to call it a wetland, I am going to, in layman's terms if I do refer to it as a wetland it is entirely by mistake, I don't want anybody to be prejudiced, I am not classifying it as a wetland, but it does exhibit wetland characteristics which we need to question. So Chris, could you show the picture in the report, please turn to it if the aquatic plants. This is just a small section of the area, you can see the water, you can see the plant life, you can see the decaying material and I don't know how many reeds are growing in this area, but is it fairly substantial and again this is just a small snapshot. I think later on we will see some photographs from the consultants which will show us a broader view of this area. Commissioners Paskewich, Bachand, anything to add before we move on to the next.

Commissioner Bachand: Your definition of where the wetland is not completely accurate, it is not in the corner, don't forget there is a steep embankment there, so it is about 25-30 feet from the corner, you can see the grading lines on here. So it is well below that, so it doesn't extend up to that northwest, I mean southwest corner.

Chairman Zelek: Right, again, so we don't have the benefit of it being surveyed or measured so that is an approximation. Moving on to the next item. The National Welding site had a number of ponding areas, there is a lot of water standing on it. Some of the areas I walked into, I had on some Wellingtons, I almost breached the Wellingtons coming over the top. So we kind of had some questions as to where all this water was coming from, obviously we are seeing a lot of it coming down the driveway, there are swales put in place and drains put in place on the adjoining property. We saw water in those swales, we saw water going into the drains, it remained a question as far as where all this water was coming from. It was stated at the prior meeting that it was believed that this water was all runoff from the adjoining property, however, there are two swales and two sets of drains in place, so we left questioning what the source of hydration was. I asked the consultants to address that after we have completed our site walk. Any additions Commissioners Paskewich?

Commissioner Paskewich: Well, not really an addition, I guess I am looking forward to hearing, comment regarding the soils there from the applicants, to give us an idea if it's a percolation factor.

Chairman Zelek: We will let them address that when they talk about their supplemental report. So we did leave asking for a further explanation of what the source of the hydration was. Do we have the photograph of the ponding.

Commissioner Block: I think you passed it.

Chairman Zelek: The pages aren't numbered, but it follows the map in Section 2.

Commissioner Block: The one above that.

Chairman Zelek: So, this is water that is ponding at the site along the western border of the property. A fairly significant amount of water. We observed some damming at the far end of this space in the north, it appears as though the water is not being allowed off the site. There is a possibility that some grading would alleviate this water issue and I am going to ask Chris to talk to that a little bit later. We want to get an engineers opinion regarding the grading, we think that will alleviate this ponding.

Commissioner Paskewich: Mr. Chairman, could you again refer to the map, so the public can see.

Chairman Zelek: So, this is the western border, there is a slope here, it is kind of doe stitched, but right along this area here is where that photograph is showing, so we are standing somewhere in this area facing north and that photograph was taken showing the ponding of the water. There is some materials down in this area that were observed, that are possibility blocking that water from escaping. There is a drain pipe down on this area where the water most likely will flow once this is graded.
Commissioner Block.

Commissioner Block; Yeah, in the photograph, at the rear top portion close to the horizon is a two lobed area, I presume that is the ponding you are referring to, but along the fencing extending down towards the figure in the photograph, is the same coloration, is that also water?

Chairman Zelek: So this is the water here going along this fence.

Commissioner Block: Ok, so the whole area, the whole tan area is water.

Chairman Zelek: Right. I believe this is Chris and you can see the wind was blowing pretty hard, the water goes right along the whole property line, the other wetland, I don't want to call it a wetland, the other wet area that has the aquatic plant life is over in this area over here and you can see the ponding extending here out into the site. There was additional ponding across the entire site.

Commissioner Block: Thank you.

Commissioner Bachand: Mr. Chairman.

Chairman Block: Yes, Mr. Bachand.

Commissioner Bachand: Yeah, I think we can call it wetland. It is self evident. It meets at least two of the criteria.

Chairman Zelek: We are not going to call it that.

Commissioner Bachand: It is not on the map, but it meets two of the criteria. If you read the definition.

Chairman Zelek; We are going to allow the consultants to respond to our concerns about it being possibly a wetland and also to the possibility, jurisdictionally according to our regulations whether or not it is or is not a wetland or a watercourse. We will get to that.

Commissioner Bachand; Can I just mention that the water there mostly drained away, I was there today and so a majority of that water has drained away that you see in this picture, but the little pocket which I will call what appears to be a wetland, was actually maintained at the same level.

Chairman Zelek: The water has maintained at the same level?

Commissioner Bachand: Yeah, in that little pocket are there.

Chairman Zelek: Ok..

Commissioner Bachand: But this drained away considerably.

Chairman Zelek: So your observation is that the ponding areas had drained but that potential wetland of concern is still hydrated.

Commissioner Bachand: Yes.

Chairman Zelek: Ok, thank you for that observation.

A. Brecher: That observation was today?

Commissioner Bachand: Yes.

A. Brecher: What time?

Commissioner Bachand: 1:30 - 2:00 p.m.

A. Brecher: Thank you.

Commissioner Bachand: The gate was open. The gate was wide open, I didn't know if you guys were working.

Chairman Zelek: On to the the next item. So this is swale at the top of the very steep embankment, you can see that there is water in the swale, water is going into the drains and going into a detention basin, so it is all engineered and functioning, so this led to the questions, if this is capturing all the runoff from the site above, why are we getting so much water down at the National Welding site. Want to show your picture now as to why we suspect there is a lot of ponding occurring.

Commissioner Block: Chris, before you do that, can you locate the catch basin on the map?

Chairman Zelek: Want to show this one Chris?

Chris Greenlaw: Sure, can you see the identifier, the hand? This is roughly the dark line here, our property line on the Class D as in Denver map by the way. This is the top of the slope, so there is roughly 4 ½ acres of what we will call the Hayes property here that is surrounded on the other three side by Cedar Street, Fenn Street and Myra Cohen Way. That water is running from the northwest corner towards the southeastern corner of the site. That basin, there is a basin, there is actually a depression with two basins, that water is collected, its sent down the slope into a DOT easement here and there is a 36" culvert that brings it to the basin. So, I would say that this 1 ½ acres that they have, approximately four acres or so, or maybe a little less, is contained by this traditional conveyance system, this drainage, and that is what you are looking at in the photo.

Commissioner Block: The actual catch basin though, where is that located?

Chairman Zelek: This dark, so there is a pipe right here that is indicated and I think there is a catch basin here and a catch basin here.

Commissioner Block: Oh, ok, a very faint shadow on the drawing.

Chairman Zelek: So that's the, you know the swale that runs from the south to the north, the water is collected and drained and there is an additional piping system right here with some other catch basins. So you had multiple swales to stop this runoff and collect it and put it into the drains and that is why we question why there was so much water here ponding. Can we see the next photo. This is another shot of that swale up on the Hayes property that is filtering waters into the drains. Next photo is that lower swale that I mentioned, because Chris, you and Commissioner Bachand walking down the swale, you see there is some water collecting in it and then you can see to the right the ponding of the water.

Chris Greenlaw: Mr. Chair, if I may. When we refer to the photos we will talk in directions such as you are viewing north, so that swale, we are looking from south to north just so you can orientate yourself.

Chairman Zelek: One observation that we did make, not really related to inland wetlands but more of a safety concern, when we were walking the upper edge of the bank, we noticed some water flowing into some voids in the ground and not actually going into the drain system so we wanted to make sure that that was being addressed by the engineer. We also noticed that there are some cracks at the top of the embankment, I believe it indicates some type of slippage, I know that is a public safety issue. One other item I noticed was a cloudy discharge to the water that was being captured, it was going to the engineered detention area, it was a little bit cloudy, we actually talked to Chris, it is not really a concern. We did walk the rest of the property to the west along the CT Fastrack and there didn't appear to be any concerns, everything looked as it was presented in the application and in the consultants report. We did huddle up in the CT Fastrack shelter and we reviewed the inland wetland and upland review boundaries to make sure that there were no broken lines. We had the consultant point out to us the areas that he had tested and we asked him to show us the extent of the testing they had done in terms of the extent of the map amendment and we were convinced that they have done an excellent job matching those lines up so that we don't have any broken lines with the map amendment. I think that pretty much are the highlights of the report and that walk. I ask Commissioner Paskewich and Bachand if they have anything else to add.

Commissioner Paskewich: It doesn't reflect it in the report, but it reflects it back in the minutes, I don't know if I can speak to it or not.

Chairman Zelek: Is it related to the subcommittee site walk?

Commissioner Paskewich: It is part of the surface that is there. There is crushed concrete among the whole site. I am not going to read the minutes, you can tell me if I am saying what is accurate or not, but at the last meeting I think that there was a statement that somebody was going to come back and remove some piles of material that had significant, I shouldn't say significant, tested for certain toxics and I was wondering if that material has been removed. Because it states in the minutes that it was going to be removed that Thursday.

Chairman Zelek: Right, so I think that concern was when we were walking whether or not those materials were still present.

Commissioner Bachand: He is referring to the soil that had to be removed and it was below ground.

C. Webb: So, that will be one of, another question that we will answer.

A. Brecher: The piles were not planned to be removed, I have not seen the minutes, so I am not sure how that was characterized, how that was phrased, but you have the wrong impression. The piles as there are going to be there until we are given somewhat of a green light that we can spread them across the site.

Chairman Zelek: I think the statement was something to the effect that there were a few more shovelfuls of contaminated soil that needed to be removed and that it was going to happen within the next couple of days.

Commissioner Paskewich: And the capping process will take place when, if you know.

A. Brecher: As part of the redevelopment of the site.

Commissioner Paskewich: So until there is a plan for a facility that won't be touched.

A. Brecher: What won't be touched?

Commissioner Paskewich: That material.

A. Brecher: No we actually..

Commissioner Paskewich: The capping, I'm sorry, the capping.

A. Brecher: Ok, let me try ...

Commissioner Paskewich: Sure, go ahead.

A. Brecher: to get this straight, the sequence of operations. The site as it is right now is basically stagnant. We have completed the testing that we intended to do and have sent the results to the EPA with a request that we be able to spread those piles to help stabilize the site and to remove them at some places as somebody might like to ride a bike on or some other high jinx. So the piles tested as either non detectable, under two parts per million, so they were basically very low low readings and anything we came up in those piles. They will at some point, I believe, be spread, there will be some additional grade work on the site. After that, when town decides who it's going to sell that property to, and the manner in which it is going to be developed, part in parcel of that will be a requirement that any developer at that site cap the site prior to development with a DEEP/EPA approved cap of between 1 and 4 feet depending on the material and the nature of the cap and the nature of the development.

Commissioner Paskewich: So it is a developer requirement.

A. Brecher: It is a requirement for development to occur on that site that the remaining contamination below ground be encapsulated by a cap.

Commissioner Paskewich: So what I think I am hearing is that won't be capped until the developer, as an applicant, with a permit.

A. Brecher: Until there is a definitive development in plan, there won't be a definitive cap in plan. So they are going to go hand in hand.

Chairman Zelek: So at this point, I want you to hold your thoughts and your questions regarding the cap, I want to focus on the subcommittee report before you move one.

Commissioner Paskewich: I was going to expand on that with this.

Chairman Zelek: The subcommittee report?

Commissioner Paskewich: Yes.

Chairman Zelek; Ok, go ahead.

Commissioner Paskewich: So the ponding that we see there now during a rain storm, in those areas, will probably occur again because the grading hasn't been changed. When will the grading be changed? If you know.

A. Brecher: I do not know.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: I just summarized that the majority of what we saw there and what we see in these pictures is just a fact that the site is just not completed, it is just upside down really if you want to put it that way. I don't know if they should grade it or not grade it. I don't see the intermittent puddling of water as a problem, I say the majority, because that one corner, like I said, it is self evident, it is a mini little wetland, it sprung up out of convenience or opportunity, I think it is very insignificant, I think there is a simple way around it, I don't think the applicant should be concerned if we are calling it a wetland, but the majority of that site is just, I don't want to say poorly managed, it is just not graded and I would just add that the rubble that you see there, that some people might not know that masonry rubble in the state of Connecticut is considered clean fill, believe it or not. You can't bury tree stumps, but you can bury all the rubble you want. I'm serious, you can't bury tree stumps, but you can bury that stuff. So, it may not look pretty, but is it not in itself any problem.

Chairman Zelek: All right, any other commissioners have questions regarding the subcommittee's report. Ok, seeing none, we will now move on the applicants consultants have a supplemental report to submit..

A. Brecher: Yes, Mr. Chairman, but going back to your previous item there, the report prepared by the committee, who is the author of that?

Chairman Zelek: That was me.

A. Brecher: And was that formally provided to the applicant and to the consultants?

Chairman Zelek: I believe that was part of our distribution. Were you on the distribution list for distribution? I asked that it be entered into the record.

A. Brecher; It has been entered into the record, but we have not received official copies of the committees report. The only reason I point that out, I believe our consultants have covered everything, but I didn't want the commissioners to assume that we have seen what it is you have in front of you.

Chairman Zelek; Well, I submitted it to Chris and to Commissioner Bachand and to Commissioner Paskewich and I believe you were on copy for it and I offered to meet with you and Chris and we met and we discussed the report, so I can't understand how you would not have a copy.

A. Brecher" I admit, I saw a draft, but I don't know if that draft is the final report that was submitted.

Chairman Zelek: There was no modifications to it. That was the final.

Chris Greenlaw: Mr. Chair, if I may. I believe in the essence of time, understanding that the public hearing was still open, that was soon as the subcommittee acted, the subcommittee report was put together to memorialize those verbal statements and directions requested on the applicant to provide direction to their consultant which immediately they began the process of putting together data for their site investigation and fulfilling their report. Simultaneously with that, I believe Mr. Brecher was made aware of this report, I believe in the essence of time the Chairman reached to try to expedite, in the essence of time, to meet with the applicant to establish a good line of communication, so you should have the draft which is this report, and I believe your consultant has put forth, there was a verbal direction given by you to increase the task to provide the report, provide additional information and additionally go into the field by which you are going to provide that data tonight complete with photos as well.

A. Brecher: Well, as it turns out our notes do match the topic areas, but will be characterized somewhat different. I just want to point out to the commissioners that if you refer to the report you have in front of you, beware it is not in front of us, so we did not receive an official copy of that report, but we did sit down and review a draft.

Chris Greenlaw: If I may Mr. Chair. I want to clarify that fact that we had a subcommittee and we did not have a quorum, we are not required to have a meeting that required roll call and minutes so I don't want to speak for the chairman but we wanted to make sure that the verbal direction of the subcommittee was memorialized and I believe the areas of concern that you referred to speaks to the concerns of the subcommittee. I just want to make sure the facts are straight.

A. Brecher: I would say that it is more by coincidence than by design. Yes, that's fine, it's all right, and we are going to cover all the topics you are interested in anyway. Ok, are we ready? Can we get the pictures up please?

Chris Greenlaw: One through six?

A. Brecher: Yes, please. So you have already seen some pictures, and I do apologize because part of what we did here was to give you some context so you could see what it is you are trying to match to the map. This picture is from December of 2012, this is looking down the access road, so I am standing on Cedar Street and this I the Hayes property to the west, obviously this is before the buildings comes down and really there are a couple, just a couple. I wanted to show this photo because it give you a sense of how close the original National Welding buildings were to this retaining wall and also notice the driveway that is out here and some E&S that was put up by Mr. Hayes prior to them expanding the slope. Next picture. So now we have moved over to the other corner. Here is the retaining wall again, so now we are looking from the east across in February of 2013, this is when bus way construction was really in high gear, they are building large abutments here and the point of this is there has been construction on this site for over four years. This has been a construction site in a number of different ways for quite a long time. Also, you see another perspective of how close the building is to this retaining wall in the southwest corner. Also interesting to note, you can see puddles and muddy areas here, but these deep pits that were constructed for building of the abutments are surprisingly dry. Next picture please. This is also from February of 2013, now this is when Mr. Hayes, having received some slope rights to be able to expand the size of his slope had stock piled soil here and was beginning to increase that slope moving it eastward. What is also noticeable, let me go back here, here is the retaining wall, here is the guardrail, is even back February of '13 you see once an embankment was created, it traps the water and there was a whole lot of water there for quite a bit of time. Next picture. This is now, we are standing on Myra Cohen Way, there is the guardrail there, if you look you can see a DOT worker there, the guardrail would be over here. The building is still

up, you see a mass of soil has been accumulated here and the slope is moving ever eastward at this point, but the driveway is still there. Next picture. This was after the buildings were demolished in January of 2015, again retaining wall, guardrail, we now have construction fencing up, the construction fencing is on the west side of the road, the slope is still quite a bit away from the road, construction material moving all over, its hard to tell if there is water under there or not. Then we go to the last picture, from the same vantage point, it is hard to see here but the retaining wall is behind the foliage, guardrail here. At this point, this is now June of 2015, the slope has been brought all the way over to its final destination if you will this is the upper swale that the chairman referred to before. The lower swale, this is the primary slope, then there is a secondary slope, this is when the fence was still right up to the easement line for that, notice now the fence in the last picture the fence was on this side of the road, now the fence is on this side of the road. I know the commissioners who attended the walk through, it was a little confusing because you don't usually have a slope that moves, but in this case, we had one that was moving eastward. This fence, if you go out today, you will see is actually a couple of feet further to the east. It is off of the easement line, the permission line that Mr. Hayes has for constructing this slope and as you saw in a previous picture, with the construction of this berm, with this slope, water now is getting trapped along here. We asked the consultants to address the issues that we had noted as a result of the walkthrough and as I indicated before I have Clint Webb and Ian Cole whom you haven't met before to address those issues.

C. Webb: Can you bring up the supplemental report?

I. Cole: For the record, my name is Ian Cole, soil scientist, professional wetlands scientist with C. Webb & Associates. Mr. Greenlaw, just to back track a little bit, to build off of what Andy just discussed, I know Clint had provided some aerial photos that were created off of Bing Maps. Do you have those that we can bring up? I think they also provide a little bit of context, particularly for the areas of concern. So these photos, these aerial photos are taken directly from Bing Maps and what I like about the Bing Maps are that they give you the birds eye view, so it is kind of an aerial that is cross set at an angle, so you can kind of get a good perspective of the site. I know the commission is familiar with the property, but just for today's purposes, just to refamiliarize ourselves, I think it is important and noteworthy that this was an industrial site that was developed from property corner to property corner.

C. Webb: If I can interrupt for just a minute Ian. Here is the retaining wall, here is the guardrail, ok. The building, this is where the wet area that the commission have identified, it is underneath this building. It is not in this little tiny wedge against the wall, basically an area like this. This is what we had until 2014. All right, got ahead.

I. Cole: Again, I think it is important to that this site, this industrial site started development in 1941 through 1994, so it was an active site for 53 years and then in 1994 it sat idle. Where Clint is pointing out, I think it is important to note, this was the area of concern as noted by the chairman during our site walk. Here we can see that there is a little addition to what would be the super structure of the building and we can also see in the foreground to that building, there is notable slabs of concrete.

Commissioner Paskewich: Excuse, just a reference, can you zoom that area in?

Chairman Zelek: For the record, Commissioner Paskewich.

Commissioner Paskewich: Can you please zoom that area in?

I. Cole: I think the next slide actually shows it a little bit better.

Commissioner Paskewich: Thank you.

C. Webb: So, concrete slabs, retaining wall, guard rail.

I. Cole: This photo shows a zoomed in location. Hopefully providing a little bit of context for the commissioner.

Commissioner Paskewich: Can you please zoom that in more?

C. Webb: What are you trying to see, here?

Commissioner Paskewich: Yeah, my eye site isn't that good anymore.

C. Webb: All right, well there is a tiny building that is just about touching the retaining wall here.

Commissioner Paskewich: So the shaded area, its just shaded by the buildings.

I. Cole: It is a shadow of the building.

C. Webb: It's a shadow, of the retaining wall actually.

Commissioner Bachand; This is the angle of the building, its not just, the wall doesn't follow the angle of the building.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: Previous to the demolition and the building up of Mr. Hayes' property, was all this on one level? Was the National Welding building and what has got the big slope, how much higher is the Hayes property than it was at the time of this photo, before any demolition took place.

C. Webb: It is still the same today. About 16 feet?

I. Cole: Approximately 18 feet on average.

Commissioner Clark: So it was always higher.

C. Webb: Always.

I. Cole: And this last aerial photo just shows the rear of the building for context. We can see on the right hand side of the photo where the swale in question is roughly or approximate, there is an old service road, there is some remnants of pavement or and other impervious surfaces in that location.

Commissioner Block: What is the building is in the far upper corner?

C. Webb: On the Hayes property?

Commissioner Bachand: It's the old Parts Mart.

I. Cole: That would be on what is now the Hayes property, those are also no longer there.

C. Webb: You want to go back to the report?

I. Cole: Yeah, let's go back to the supplemental report. We will go to the first slide here, so I put together, following our site walk, we put together this supplemental report to highlight the areas of concern that the commission had and to address those. There were areas of the report that were brought up of concern. The first area was a low spot in the southwestern corner of the National Welding site. We will discuss these in detail in a second, I just want to provide you with an overview. Then on the western side of the property, running along the property boundary between the slope to the Hayes property and what was the former National Welding building, we have a graded swale, then there was some questioning about the culvert inlet that drains to the CT DOT detention pond which lies just north of the site near the CT Fastrak property. So these are the four areas that we are going to discuss now.

Commissioner Block: Mr. Chairman?

Chairman Zelek: Commissioner Block.

Commissioner Block: Just based upon this history, is it fair to say that there is not one corner of this property that has not been massaged or made over by man?

C. Webb: Not one square inch has been left untouched.

I. Cole: It would be my professional opinion that the entire site consists of man made fill materials. The site would be characterized as a manmade soil complex and those typically are soils that have been cut filled and graded in excess of three feet.

C. Webb: While we are talking about that, want to jump to that slide?

I. Cole: Sure. So this was just for reference, the National Resource Conservation Service provides guidance and context for people that have an understanding of how you can have filled material on top of what would be a previous wetland soil and it is no longer classified as a wetland. This comes right from the NRCS document, very simple graph and it shows that if you have over basically two feet of fill material over naturally occurring soil that would be considered wetland, it would not longer be classified as a wetland. I would like to state though that this is for reference only and this is not a condition that is occurring on the site in my opinion. Just to clarify, in my opinion I don't believe that there are buried wetland soils on the site within 30 inches of the surface.

C. Webb: Just a point of correction, a typo, where it says right here, change that to left, where it says change it to right, it must be, my dyslexia must have kicked in.

Chairman Zelek: Can you go back to the previous slide.

C. Webb: Actually, can I just give a brief overview of our activities before you get into.

I. Cole: Feel free.

C. Webb: So, as you say in Mr. Brecher's slides, we brought you up to, starting in June of 2015, Mr. Cole and I were brought on board to look at this site in May of 2015. In mid-April of last

year to the beginning of June last year was an extremely dry time and then in mid-June we started getting tons of rain into July and I know that for a fact because I was doing two week examinations of a number of vernal pools throughout the state and they all dried up, the critters died and by June when they should have been thriving all the pools were full again. So I want to point out a couple of things. This is from our site visit in May of 2015, you can see it is absolutely bone dry. There are no humps or piles that you see today. The slope is not completed.

I. Cole: For clarification, just for the commissions perspective, we are standing on the northern property corner looking south towards Cedar Street, so Cedar Street is in the background and we are standing at what would be the CT Fastrak culvert area.

C. Webb: Here is Myra Cohen Way, here is the corner, the southwestern corner that we are talking about, here is the slope that has not been completed yet, and there is no piles as you noted in our site visits, in your photos, this is a totally flat site, and you will see in the next slide where we have some closer ups. So this is what the site looked like in May of 2015. Want to go to the next one. You know what, I'll get to that later. So anyway, actually, if you can think back to Mr. Brecher's June 2015 slide where you saw the slope grading, the swale being developed, the fence being moved over, all the piles, all of that occurred after our delineation and after we had done our site work. There was no depression as you saw in that photo, and we have the whole site in that photo I just showed you, this was when the fence was still over here, the swale wasn't here and this had not, all this work had not been completed when we did our delineation. You will see in one of our photos and later on in the report that there was no, right now there is a stone berm in front of that culvert to keep the water from leaving that site, causing the ponding that was noted. To keep the water there, let it dry out, reduce the amount of sediment that can be carried off into the DOT detention pond. So, a site that has constantly been manipulated and worked, we actually have some more pictures that we will show you in the moment, of what this site looks like now. So this is June 2015, we have some photos from April 2016. All right so we will go back to the report and I will let Ian continue.

I. Cole: Sure, so the fist thing I would like to address is the low lying area in the southwestern corner of the property where, as we previously discussed, was that little addition of the building to the superstructure.

C. Webb: You want to just go to the photo.

I. Cole: Mr. Greenlaw, if you could just bring up the photos that we were able to take on Friday, April 15 as a follow up for the commissions benefit, we went back to the site to reinvestigate some of the areas of concern, to do some additional auger samples and to take a more close look at that corner. Yes, this would be that one. Fist, let's go through the photos here. So this first photo shows the retaining wall and the area of concern.

C. Webb: You can see that vegetation that was referred to previously.

I. Cole: Clint, can you point out for the commission's benefit where water is discharging on to the site from the access point.

C. Webb: As you see in our report, you can see storm water comes down the driveway from Cedar Street, down the driveway and comes into this area.

I. Cole: An unmitigated flow directly on to this property.

C. Webb: It settles in here and you can see, you will see in the photo that this whole area is graded higher, artificially graded as they are working the site, it has created a depression in this corner, which can hold water for a longer period of time, plus, you are getting silts coming off of the un vegetated site, Hayes site, which is 18 feet above and falling into this direction. We have a number of examples on how that sediment is being carried into here.

Chairman Zelek: Do you have a close up of that?

I. Cole: We don't.

C. Webb: Looking, this is standing next to the retaining wall, looking to the west. Here is the guardrail again, the infamous guardrail, a remnant of the driveway, retaining wall and the area of concern.

I. Cole: And here you can see, so the lighter off to the right, and the next photo will show you another close up, this is kind of an overview. You can kind of see the lightly colored, what looks to be gravel, is actually pulverized and broken up concrete. You can see how essentially they just didn't finish grading that up to the retaining wall.

C. Webb: That has created a boundary line to hold water in here for a little bit longer, because this is basically a very highly compacted 70 year old building sat on this thing.

I. Cole: So in this area you can see that are a monoculture of cattails stand, a stunted cattail stand along the peripheral zone of this low lying area. What we have here are cattails that have taken route over a thin mantel of deposited road side sediment which loosely sits on top of the compacted construction debris.

Chairman Zelek: How do you define thin?

I. Cole: Yeah, so our auger samples when I looked there I had roughly zero to two. So we walked into the center of this low lying area and I took three auger samples and approximately in each location we had about two inches of fine sands and sediments that sat on top of 30 inches of what is classified as human altered, human transported material. So if you look at this photo, the next photo might even show some detail, the ground structure is really made up of brick and debris and construction stuff and so what happens is, the fine materials are lying on top of the heavily compacted material and essentially you create this, you want to call it.

C. Webb: Impervious.

I. Cole: Like a line of fine material and cattails are very opportunistic and they can take root in this area and cattails are known to take advantage of soil conditions that are compacted that basically provide the same low oxygen conditions that would thrive in hydric soil also. We have some other photos, along with this, that show the soil colors associated with the subsoil here are clearly red brown gravel, it is not actually gravel, it is really pulverized concrete and silts and fines making their way down into the soil profile. For here this would be classified as a man made udifent soil that has a soil color of 7.5 YR with color chromes and values of 66, red brown human transported material. You can see from this photo that their clearly lacking the low Chroma, high value soil colors that are typically associated with a wetland. So, wetland soils you will typically see have a washed out matrix, or a blue grey matrix, that are an indication of redox occurring in the soil profile which are an indication of a low oxygen environment.

C. Webb: So you mention Chroma and you gave some figures, I don't see any of those test results in your report.

I. Cole: We went out there on Friday and we did not have time to put those into a report to provide for the commission, so we are giving verbal testimony as to that fact.

C. Webb: And putting it on the record.

Chairman Zelek: Ok, and again, the thin mantel was now. So one observation was I reached under and pulled up this soil. Where did you test your mantel? Are we talking about the same thing? And again what do mean by thin?

I. Cole: By thin 2" of fine sediments and the exact locations of those were taken in the wettest locations in that photo there. Say, every 10 feet I took a soil sample, pretty much in the center line of, right down the center line. So what you get is actually, you are getting hydrology as you dig into the soil profile, water is actually caving in from the surface, not coming up from the ground structure, so it is a perched water table that sits on top of compact gravel.

Chairman Zelek: Would you say it's, that mantel is also, could be referred to as alluvial?

I. Cole: No.

Chairman Zelek: And why not?

I. Cole: It's road side sediment that is washing down from the road side, it is not be transported from a naturally occurring water course or river.

Chairman Zelek: So tell us what the difference is between alluvials and what you are describing.

I. Cole: Alluvial soils would be soils that are deposited form a river, watercourse or boundary, or I'm sorry, river, watercourse or stream, roadside sediments are deposited from gutter flow from storm water events.

Chairman Zelek: Commissioner Block.

Commissioner Block: Yeah, I don't want to flog a dead horse, but in the testimony so far its been that almost every square inch of this site has been manufactured, altered by man. Is that, tell me if I am wrong, but practically every square inch of that surface material is debris or remnants of prior construction.

I. Cole: That is may opinion, correct.

Commissioner Block: And all the impoundments of water are haphazard contoured depressions as a result of the clearing operation.

I. Cole: That is my opinion, correct.

Commissioner Block: And that all of the wetland plant life is, I just lost the word, I'll call it adventuresome if you will.

I. Cole: Advantageous.

Commissioner Block: Advantageous.

Speaker: Opportunistic.

Commissioner Block: Opportunistic, that was the word. Thank you very much. So in effect there is not one last left piece of natural surface to be dealt with on the site.

I. Cole: I would agree with that statement.

Commissioner Block: So the question really then for those areas which are not going to be utilized, how can they be developed to maximize the environmental wetlands, watercourse opportunities of the site. How can we make it better?

I. Cole: I think the site will be, I don't know if I am properly going to answer your question, but in terms of making it better, you mean for development purposes?

Commissioner Block: No, I'm talking about the naturalization of for regaining some environmental benefit.

I. Cole: I think once the site is finally graded and packed, it will drain properly, it will add benefit from a water quality standpoint to the offsite wetland resources.

Commissioner Block: Again, Mr. Chairman I was very interested in what this site contained, but I am satisfied at this moment with that there is very little natural material or opportunity left, it's only what we can do to improve it.

C. Webb: I would like to add just one note from the ecologist point of view. If you look at the lighter plants, those are from the previous year, and those occurred, those occurred somewhere after June of last year to now, so they are very stunted, there is no.

I. Cole: If I could interject, cattails are one of our most prolific and fastest growing wetland plants. They will grow two feet in two months. They will, so what we are seeing there, you can have a quick explosive growth due to say a prolonged ponding from several rain events and then they can dry up over the course of the summer and disappear.

Chairman Zelek: So the aquatic plants that you see there, are they all cattails?

I. Cole: I only saw cattails when it was out there.

Chairman Zelek: You only see cattails.

I. Cole: Yeah.

Chairman Zelek: Ok.

I. Cole: So in my, just for pure reference, if you go back to the report, the supplemental report, that I had dated April 14, 2016 on page I think 4.

C. Webb: No, I think it's page 5.

Commissioner Block: Is it the one of the pavement?

I. Cole: Yeah, so this was taken actually over by Veggie World one day when I was walking through there last summer. I took this picture just for reference and I found it funny because I find this on a lot of sites where you will see cattails and this just demonstrates how advantageous they can take root. Again, this summarizes a hydrophobic plant that can take root in soil conditions that are compacted and low oxygen environments.

C. Webb: And water being trapped in them. Just to get back to your point. If that grading surreptitiously ended there for no good reason other than..

I. Cole: They ran out of material.

C. Webb: They ran out of material or whatever, that grading, that white broken concrete should have gone all the way to the retaining wall, but in fact, that material was not spread in May of 2015, so that was all flat, that was nothing to be retained when Ian and I were out there.

I. Cole: With that being said, even if...

C. Webb: That's how quick that developed.

I. Cole: Just for an understanding of the development of that area. Even if that area was graded out fully, this isn't a ground water fed system, this is a surface water fed system so you still in all likelihood because the drainage along the road site, the access to the site is not finalized, you could again have the same conditions where you are having road side sediments coming down the hillside, filling in the voids of the compacted gravel again and again maybe have the cattails take root. It is just by coincidence that the upper site is not stabilized, this site is not stabilized, there are two working sites.

Chairman Zelek: Can we go back to the picture of the wet area. All right, so a couple of questions for you Mr. Cole. You said in your report several stunted cattails is what you observed. Can you tell me your definition of several is to you?

I. Cole: Several is an observational term. More than one, less than one thousand.

Chairman Zelek: How many would you say are there?

I. Cole: I would say in that photo, I don't know, I didn't sit there, it wasn't in the scope of my services to sit there and detail an exact plant count, it's irrelevant.

Chairman Zelek: In my opinion I think you kind of down played it by saying there were several stunted.

I. Cole: You are entitled to your opinion.

Chairman Zelek: My opinion is there are probably several hundred there.

C. Webb: The reason that they are stunted, as I pointed out, is because of the thick mantel of sediment there, there is no nutrients for these plants. We had just enough water in July and August of 2015 to break seed, grow a little bit and then the sucked whatever nutrients were available in that road side sediment that settled then and then they died. They didn't even make it to.

Chairman Zelek: How is it when we enter the site it is the first thing that we noticed. How is it that this did not appear in your original report?

C. Webb: Because it wasn't there. I am telling you it wasn't there.

I. Cole: This site, the grading of this site as the photos that Andy had presented, you can see was a working construction site for this soil remediation project and for that project they were taking test pits and doing soil excavation so the surface structure has changed since the time of our original delineation.

C. Webb: This fill was not here. How many ways can I say that?

Chairman Zelek: What was the date of your visit and the date of your report when you claim that this was not there.

I. Cole: We visited the National Welding site on May 29, 2015 and that comes from a report dated June 1, 2015. I again did not visit again until our site walk of April 7, 2016.

Chairman Zelek: So, if I understand this correctly, what you are saying is that this appeared within a one year period, in less than a one year period.

C. Webb: Yes.

I. Cole: That is correct. So I think it is also Chairman, just for clarification, the presence of the cattail is not an indication of a wetland condition. You do not have hydric soils on this site to classify this area as a wetland in my opinion.

Commissioner Paskewich; Mr. Chairman.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: A question for Ian. Does, when soil is indicated as a wetland type soil or hydric soil, is that an anaerobic soil, has anaerobic taken place in that soil?

I. Cole: Yes.

Commissioner Paskewich: Ok and I am not an analyst with this, just a layman, so you had mentioned that perching is at the top of the grade, if this was anaerobic it would be below the grade. When you take a soil sample you are looking for anaerobic type vegetation.

I. Cole: I think there is some confusion in the nomenclature. What you are looking for are redoximorphic features...

Commissioner Paskewich: That's a new term to me, but that's ok.

I. Cole: You are looking for indications of a high seasonal water table. So you are looking for in the soil profile evidence of a fluctuation of the water table which would be an indication of having water at the surface long enough to create anaerobic conditions. That is lacking on the site.

Commissioner Paskewich: I concur with his testimony and observation, from what I am hearing.

Chairman Zelek: Thank you. Commissioner Bachand, then we will go to Commissioner Arburr.

Commissioner Bachand: I think what we are hearing here is just an exercise in referring to this wetland as a, its significance and its functionality. It's self evident, it is a wetland, it has the wetland plants, it has water standing for a period of time, it has detritus in it I am almost certain of it if it has the decay from last year's plants. I don't think that's the point. We know that the applicant wants to develop the site, we have to decide, I support him in wanting to develop the site, so I think we would accept that it is a mini little wetland, an opportunistic little wetland, fill it and get on with it. By definition, what I am reading right here...

Chairman Zelek: I just want to stop you, because this is a map amendment, we are not talking about any activities, such as filling. The would be in a site application, so let's keep our comments germane to the map amendment.

Commissioner Bachand; Well, they are trying to, none of the aerial photos, or photos were conclusive that that site was untouched. The boundary of the majority of those plants grow right at the, parallel to that guardrail and in all the pictures you can see that there is a significant space between the guardrail and the building, so none of the pictures were significant saying that the building was on the site where the plants are growing. The majority of the water is sitting where the building was, but where those plants were, you see the majority of that row of cattails is not, again, it's not conclusive. You can't say that they are there, but you can't say that they not there by those aerial photos.

Chairman Zelek: So you stated that you are in support of identifying this as a wetland.

Commissioner Bachand: It is self evident. It is not an opinion.

Chairman Zelek: Just state your reasons why you believe this is a wetland.

Commissioner Bachand; It has wetland plants and it has water standing for longer than a period of rain event. It has water sitting there for month, so.

A. Brecher: And does it also, the primary determinant as I recall and I am not the specialist here, but the primary determinant before you get to that two out of three is that it has a basin and banks. A clearly defined basin and banks.

Commissioner Bachand: It does, because that is what holds the water, and it clearly states right here, natural or artificial, it was a mistake, you should have filled it when you were working on it, we wouldn't be here. You should have just graded over, just like Clint said, we wouldn't be talking about it. It is a pond, it is an opportunistic thing that sprung up but by definition it is a wetland. We can get past that, I support your efforts to develop the site.

Chairman Zelek: So again Mr. Bachand, Commissioner Bachand, why you believe it is a wetland, please no references to what they should or shouldn't have done. All right?

Commissioner Bachand; Ok.

Chairman Zelek: I just wanted to understand the reasons why you believe it is a wetland. I also heard you say the word detritus and I want to ask the consultants if they did observe any detritus in the wet area.

I. Cole: I will answer the commissioner question. I did not observe and detritus in the wetland, detritus would refer to plant material that is transported through a watercourse, a stream, river.

Commissioner Bachand: It could be decay from the plants that were growing there the year before.

Chairman Zelek; Right, because...

I. Cole: That is not detritus, that is just decomposition.

Chairman Zelek: Not every wetland is a moving body of water, correct.

I. Cole: Excuse me?

Chairman Zelek: Not every wetland is a moving body of water.

I. Cole: Not every, no, that is correct.

Chairman Zelek: So detritus will occur in wetlands that are land bound, correct?

I. Cole: That's not, the definition of detritus is water deposited plant material.

Commissioner Bachand: I don't know who wrote this definition, but it says "Detritus - decaying organic matter", I don't know if those were your own words that you added.

Chairman Zelek: That was the definition that I used. That is why I am asking the experts for their professional opinion as far as what detritus is. That's a layman's report, ok. Commissioner Arburr.

Commissioner Arburr: First question, you are a certified soil scientist, you are authorized to go out and certify in the field the existence of wetlands.

I. Cole: Correct.

Commissioner Arburr: Ok.

I. Cole: I have been practicing for 17 years in the state of Connecticut.

Commissioner Arburr: Ok. My question is, based on the evidence..

Chairman Zelek: Use the mic please commissioner.

Commissioner Arbur: Based on the evidence, it is your professional opinion, as a professional soil scientist, is this segment of land along with the related entities that have been under discussions, does it conform to the description of what is a wetland as outlined in the CT state statute? Would you classify it as a wetland or not as a wetland.

I. Cole: It is my professional opinion that this area is not classified as a wetland in accordance with the CT state statute.

Chairman Zelek: Ok, how about, this is a Newington map amendment, so we have to go by Newington regulations. Once we ask the question, does this meet a wetland definition according to Newington's regulations?

I. Cole: It is my professional opinion that this area does not meet the definition of Newington's inland wetlands.

Chairman Zelek: Would you state for the record that you have read our regulations and you are familiar with our definition.

I. Cole: For the record, I have read your regulations and I am familiar with the definitions.

Chairman Zelek: Ok, thank you very much. Any other commissioners? Commissioner Clark?

Commissioner Clark: I just have a, I know that we have talked about wetlands as far as the soil type, which I think pretty much convinced me, soil type is only, is there a depth to, you only two inches of anything thing that is growing anything, but, it is it fair to call it a watercourse, because it is standing water that doesn't leak, so therefore we have wetland and watercourse which are sometimes the same and sometimes not the same.

I. Cole: So to meet the definition of a watercourse you need to have to meet two of three parameters, one of them would be evidence of scour, deposits, recent alluvium or detritus, which we do not have, presence of hydrophidic vegetation, I won't argue that there is presence of hydrophidic vegetation and we also do not have a defined bed and bank to be defined as a watercourse in this area. It is a depression. So you know I guess, it's my opinion, if you were to assert that this is a wetland, any depressional feature in your town that holds water, I mean my water holds water after a storm because it caved, is it a wetland?

Commissioner Bachand; It's a watercourse, it could be.

I. Cole: So you are saying...

Commissioner Bachand: It is a very loose definition.

I. Cole: You are saying?

Commissioner Bachand: It is.

I. Cole: I have not comment to that.

Chris Greenlaw: Mr. Chairman.

Chairman Zelek: Chris.

Chris Greenlaw: I will provide you with the definition on page of watercourse, but two of the three parameters is in addition to, the definition "intermittent water courses shall be delineated by a defined permanent channel and bank" and then the two occurrences, so that is a permanent requirement and then the other items are two out of three, so as far as defining permanent channel and bank and the intermittence of the water, I think it is important to note that for the record.

I. Cole: For the record, I did not note any defined presence of bank.

Commissioner Clark: Aren't we talking about?

Chairman Zelek: Commissioner Clark.

Commissioner Clark: Oh, I'm sorry.

Chairman Zelek: Go ahead.

Commissioner Clark: An intermittent watercourse, that is not what I am seeing this as, I'm seeing this as not an intermittent because as far as we know it has been sitting there since it was created. So is it the definition of intermittent watercourse that which has the bank and basin, and this is not as strictly defined water course.

Chris Greenlaw: Two questions are on the floor. There is reference to the soil type and in additionally as to the definition as it relates to watercourse. I would ask the consultant to reaffirm the statements as to why you believe there is an existence of the water ponding and is it representative of the HD soils existing on site?

I. Cole: Again yes, it is my opinion that the standing water that is in the site is a direct result of improper grading and the fine materials that have washed down from the roadside gutter into the compacted material. So it is compacted material with fines on top of it that holds water.

Chairman Zelek: Commission Block.

Commissioner Block: A common definition would be puddles.

I. Cole: A common definition would be puddles, I would agree with that.

Commissioner Block: Thank you.

I. Cole: I have not spent enough time on site to say for how long.

Chairman Zelek: Any other commissioners that haven't had a chance yet? Commissioner Sadil.

Commissioner Sadil: As far as your bore holes, how deep did you actually go? I think it is 20 inches.

I. Cole: I was able to go, in this area, 30 inches with an auger before I got refusal. They are hand tools, I couldn't get any farther.

Commissioner Sadil: 30 inches, that is well within I think

I. Cole: 20 inches.

Commissioner Sadil: 20 inches, before we got soils. Ok.

I. Cole: It actually got dryer as we went down, so those pictures you see there is moist soil, but that is from, I was digging in the water, I went into the center, I went into the wettest point of that low spot to get the worst case conditions there.

Chairman Zelek: Commissioner Block.

Commissioner Block; Yeah, before we close this, I just want to ask the chairmen, at the beginning of this discussion there was the question as to the removal of concrete that might have been contaminated and before we close I want to make sure that I have an opportunity to revisit that question. So if you can tell me when.

Chairman Zelek: So I think we will let the consultants go through the rest of their report.

C. Webb: Yeah, that is just topic one, we have three more to go.

Commissioner Block: Ok, I just want to make sure I don't miss the opp on that

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: I would like to request a short recess.

Chairman Zelek: Ok, we will take a five minute recess. I am calling the meeting back to order, we have a few more items on the report that I want the consultant to go through. Mr. Webb and Mr. Cole will you continue please.

I. Cole: Sure, continuing where we left off, the second item of discussion if the swale that runs along the western property line that was observed ponded or standing water during our site walk, and again for clarification our site walk occurred during a heavy torrential downpour, I think everyone that was there could testify of how wet of a day it was. It is my opinion that in reviewing this swale which was not evident when we did our original delineation, but was there during our site walk, the ponding here is a direct result of unfinished grading. Looking at exhibit 1 where you have there culvert that goes to the detention basin, everything drains to the north to that inlet structure or it's supposed to be designed to do so. Currently now, there is a deliberate placement of an earthen berm to cut flow off from draining into this inlet and to prevent contaminated soil and runoff from leaving the site. So a lot of sites that are being or in the process of a remediation process, they will routinely prevent runoff from leaving the site to the extent possible and that is because as the water flow goes through the soil medium, along with it debris can now travel off site. So the placement of this berm is now cutting off what would be...

C. Webb: It is not clear in this picture, but this is the area.

I. Cole: That's the area.

C. Webb: This raised area.

I. Cole: Where Clint's pointer is right now is one gravel pile and then beyond that is the placement of this berm. It is in my opinion that this swale does not meet the jurisdictional definition of a watercourse as there is no evidence of scour deposits or recent alluvium or detritus deposited. There is no presence of hydrophytic vegetation and at the time when I wrote this I was in the opinion that it has not been demonstrated to hold standing water for a duration that lasts more than 24 hours. I did though, when I revisited site, I would like to redact that statement because when I visited the site on Friday, there was still standing water there, but it is my opinion that in looking at the soil profile and other characteristics of the site, the standing water again is from soil compaction that is really not alleviating the soil, water from draining into the soil or water from leaving the soil on overland flow. I think it is important to note that the swale is not evidence of defined bed and bank or natural occurring process. It is simply again, a topographic depression on the site from something that is just not final graded.

Chairman Zelek: Ok. So there was concern, you weren't present at the last meeting, there was concern by the commission of prior existing wetlands that had been filled. Is there any possibility that they are trying to reemerge and a possibility some of the source of hydration of the ponding?

I. Cole: I would be in the opinion that that is not possible. The aerial photos that we showed earlier I think presented good background to show that the site was a developed site for 75 years and it is not a naturally occurring process that after you demolish a building that wetlands would somehow reemerge the soil profile to develop wetland conditions. It's just not scientifically a founded principle.

Chairman Zelek: Was there any testing done to determine where the water was coming from?

I. Cole: Not test, from observation purposes only. I could testify that there is a steep bank right to the west and you can see evidence of riling, the entire watershed is sloped in this direction, I think Mr. Greenlaw and Clint have visited the site and may be able to provide some additional observations of what the hydrology is doing on the Hayes property. Kind of outside the scope of what I did was looking at where water was coming from and going to.

Chairman Zelek: Yeah, I want to ask Chris to show the photograph that he took of a breach in the swale.

C. Webb: But before we go to that one, I just want to orient you, and we will be coming back to this later, but this is the cross culvert, goes under the bus way access road. Myra Cohen?

Chris Greenlaw: Myra Cohen Way.

C. Webb: And they put a detention basin on the site. This is in May of 2015, ok. Now there is a berm right here, a big stone berm that keeps any water from going in here, there is silt fence, there is all kinds of things that we saw during this site walk that were not on the site in May of 2015. That swale that we are going to discuss in more detail was basically it comes back this way to the south of the property. Chris, could you show that.

Chris Greenlaw: And the photo you want is the one you took of the natural swale.

C. Webb: Ok, this is the swale, the retaining wall, guardrails up here, this is generally where the old driveway was heading along side the building. There is the culvert under, for the bus way. You can see that. I mean it's supposed to be in this swale back here and going towards the cross culvert. There is so much sediment that it has cut through, all this was fill, cut right through and deposited on there. You see all these ponds and this was from the 16th, right, the day of the rain we were out there, this photo was taken. Certainly not this one, I thought I saw the 16th on that one, when was our site walk?

Chairman Zelek: Our site walk was the 7th.

C. Webb: The 7th. Well anyway we are going to show another one that will give you a look at the whole site. This area in the site as it looks this afternoon.

Chairman Zelek: So Mr. Webb you are speaking as an environmentalist, that is your area of expertise. I would like to let Chris address this from an engineering point of view...

C. Webb: Ok.

Chairman Zelek: Just so that we touch on it and we have an expert opinion as far as what we are looking at here.

Chris Greenlaw: The photo you are looking at was taken on after the site walk of the subcommittee. One of the questions that was posed to the consultants and the applicant was the fact of where is this water coming from and the water that is coming from, possibly from the slope to the west, could it be contributing to the site? There was not evidence at the time of a breach to the swale and it wasn't until subsequently after that we were surveying in the area and this caught my eye because there was such an abundance of water, there was a belief at the time that the Hayes property was contributing. One clarifying statement I want to make and I'm just gonna, as a civil engineer I am just going to speak to you as far as the surface water, anything below the surface, that is why you have the team of professionals that you do. But last month this was brought up and in testimony, I want to reiterate that these are raw sites and they are large sites, so you have sites that are somewhat manufactured right now and it is an iterative process and there is no vegetation and the question that was brought up to me at the last month, and just to reiterate, to put in perspective, we are at a certain iterative process, where the drainage has been put in, but in order to preserve the runoff it is a living site. Our site is living, the Hayes site is living, and we have responsibilities that when we are manufacturing the site, when we are in the iterative process of doing things to the site, we don't have, we have some traditional drainage, but it is not the way it was when we had buildings, and we had roof leaders and we had conventional drainage. We have some drainage, so what we do is to protect our streams and outfalls, put in those BMPs as I stated. So you have heard the consultant say, well over here there is hay bales, or there were hay bales in front of the pipe and now there is a stone berm. The reason we have those things is to slow down the water and try to get the water to slow down so that the heavy sediments fall out and the silts fall out. It is the same reason that we have silt fence out there and hay bales and silt sacks and at the time I speculated, I mentioned those BMPs and I actually went on to say that I speculated that the fines had impregnated those silt sacks and in the basins, so you put them in so, before the water just drops in and runs to those streams, those silt sacks will slow down the water, and while the water will filtrate through, but the very very fines in the water, the tramping water, will eventually impregnate that, causes water to pond and what happens. When we were there, we had a 1/2 inch of rain, but it was in intensity that we didn't see it pouring over the swale. It was a few days after that when we were surveying and I noticed that under a certain intense rain it is obvious now that the water coming down the slope from the Hayes property had built up, now why did it build up, because if

was too great for the water to go into the basin with the BMPs in place and it overflows on to our property. Subsequently, we took some additional photos and what it does, that fugitive water now, that rills the slopes and those fines at the top are going to run down the slope, they are entering our property, they are attributing to the amount of water on the property, there are two areas that I identified for the chairman that I believe are contributing from the Hayes site. So that being said I just wanted to speak to that water. If you ask me how many acres of raw land we have, the area, the area that we see in the plan, the plan that we used to have up, give me a minute, if we looked at our site itself, and when I say our site, I refer to the Town's National Welding site. That is roughly 4 acres, maybe just under, for conversation purposes. The area above it, the Hayes site, is roughly 4 1/2 acres and it is very evident when we are in the field, we observe water coming down the access road to the south, as it's roughly anywhere from a 1/4 to 1/2 acre ultimately and I derive that by there is picture we took in the rain of the water coming down the curb and you could see that it contributed, it was running at one time directly to that, to that southwest corner where you saw the cattails and when the fence was installed, presumably there was recent evidence that that water was blocked off, but now if you go back there today, water seeking a path of least resistance. It's still getting there and you can still see sediments. The point of the matter is, you have 3 acres or so or more of the National Welding site that still has, it has rubble, it has concrete, it has bituminous in areas that are flat, that water is augmented by a 1/4 to a 1/3 acre of impervious on the south side of the Hayes property and additionally I calculated roughly another 1/3 of an acre of the slope, and I believe it is a generous portion that is very steep, it is displayed with rill erosion, we see the breach and we also see evidence that will be provided in photos of not only water, but sand and silt that have run completely over that silt fence on to our property and that exacerbates the ponding. I will let the soil scientist speak to the duration of the ponding and the soils that are deposited, I am just speaking to, I want to remind the commission that sometimes it is a necessary evil, we are slowing that water down, we are putting those BMPs up so that the sediments drop out, the silts drop out, so ultimately the detention pond, the torridity that we saw, I was even surprised that it wasn't greater and I believe that is largely due in fact that our, even though some of our BMPs have been breached, they are still working effectively. If we didn't have that ponding, those sediments would be down in the detention basin area of DOT and ultimately in our streams. I just wanted to add that to the record.

Chairman Zelek; Commissioner Clark.

Commissioner Clark: So is the aqueduct as it were, that show up in the picture that said the northern end that now has hay bales in front of it, was that placed there for the ideal drainage that was going to occur after the site was developed. Since it seem like we are trying to keep stuff from going into that right now because it's going over all the dirt, silt I mean. Is that why there is a nice big thing for water to go into, only at the moment we are trying to keep water from going into it.

Chris Greenlaw: The first questions, is it designed for a full build, hydraulic designed, yes. It is actually designed, the DOT designed, for actually 100% impervious, grooves, pavements, the whole thing and they designed it such that it, future build out it would accommodate it capacity wise, correct. So, now that we have live sites and those conditions that we put on applicants when they come on and we know that during construction we ask them what are you going to do as far as mitigating those pollutants while you are under construction and that is why we see hay bales, silt sacks, silt fence and so on and so forth. That that is why you saw hay bales there, that's why you see the rip raps for full built, but the smaller stone check dams that you see is to slow them, not to stop the water, to slow that water down to get those sediments to drop out.

Commissioner Clark: Another question, related and that's that what is now a detention, retention or detention pond....

C. Webb: We are going to discuss that.

Commissioner Clark: Well my question is, all right because the last time I thought we heard that it wasn't supposed to be that way.

C. Webb: Yeah, but that is item number four, we haven't gotten there.

Commissioner Clark: Ok. Can you, Chris, can you put today's pictures up. Because I found, I visited the site this afternoon with Chris Greenlaw and was surprised with what I found now that the water has receded and dried up.

Chairman Zelek: So just a comment regarding the picture that Chris had shown you and that breach. I went back and looked at that breach after Chris had told me about it and it is obvious it is a major contributor to the ponding.

C. Webb: And that's the area, that major breach is right in here, that's all the silt fences down and you can see all the sediment that has been left here. That is your typical mud drying after a storm event where an exposed site with not vegetation or any kind of cover has fine silts lay down and there is an example. So this, in the taskforce report or the site walk report that the commissioners put together, this is full of water all the way back. You saw that in that picture, now you see that's that culvert going over to the detention basin, there is a berm that cuts across it, the silt fence is in front of it and I will even write that none of this fencing onto this pile was here. So here is the major breach, that the chairman and Chris were talking about. I actually observed three smaller versions of this today, plus this side slope had a rill, a little rill, it's just a little tiny narrow drainage thing, probably a couple hundred, coming down off the slope. So this, the water was coming over probably right before we started our site walk, shortly before and then that intensity did slow down enough so that we didn't actually see that when we were out that day. So you can see here the silt fence is down, water is coming in like crazy, it's cutting the swale. There is a swale at the toe of the slope that eventually, when this site is built out and correctly stabilized and constructed, that will catch that water and carry it, not let it come on the site, it will carry it to that culvert. Then your last picture, in the center of the site. Just another shot here, you can see that, and there were smaller ones and then one more back out. Yeah, come back to that one you just had. When we were out there, this was completely full, all the way back to here, to the end of the site, that's what you saw in your report, you looked down along the fence line you saw that, just a giant pond of water. So this is already drying out pretty quickly, I was actually surprised and then one more in the center of the site. All right, these were under water. When we were looking, remember this site was all inundated from the pictures that we took on the site walk. I did not know these were here because they weren't here in May of 2015. I don't know if this is what you were referring to in some of the places that you walked and your boot almost to the top.

A. Brecher: This is a sample of one of the excavation pits from the material removed in March.

C. Webb: So there are at least 4 or 5 of these which I never knew existed and I, did you notice those in our site walk? They were under water. This whole site was under water.

Chairman Zelek: I didn't notice them, but I did notice as I was walking that I was going up and down.

C. Webb: Yeah, I didn't go that far out. If I would have fallen I would have definitely known. So on that day of the site walk, this whole area was under water and you couldn't tell that these pits or

sample sites were there. I thought it was just something interesting to see and again none of that existed in May of 2015. Any more questions related to the swale?

Chairman Zelek: Any concerns, further regarding the ponding, you satisfied. Ok, we will move on the next item then.

C. Webb: Ok, the next item is the cross culvert, we kind of already discussed that. Kind of half-handedly, if you, that's in our report. What page?

I. Cole: I don't have a page number on my, oh, page 9. It is Item No. 3, on page 8. The discussion point here is there was some questions about the jurisdictional, the jurisdictionality of this drainage inlet that drains to the detention basin, north of the site. This is an area that is subject to storm water flowage if the site was graded out properly. We talked about that. Similar to the swale that we just discussed, the drainage outlet again does not meet the criteria in the CT General State Statutes to qualify as a jurisdictional water course. It is a rip rap inlet structure, it lacks hydric soil development, it does not support a predominance of wetland vegetation and again it does not have a defined channel and bed or bank development. It is simply a manmade drainage structure to convey storm water runoff. So its function is one of the conveyance of storm water runoff.

C. Webb: Any questions.

Chairman Zelek: Commissioner Arburr.

Commissioner Arburr: Can I go back to the previous item you were talking about?

C. Webb: The swale.

Commissioner Arburr: The swale. Is it your professional opinion that the main source of that water coming down is from the Hayes property?

C. Webb: I would say, not the main source, but I would say a very large percentage.

I. Cole: A contributing factor.

C. Webb: Yes, it is definitely a contributing factor.

Commissioner Arburr: It is a contributing factor.

I. Cole: You have a lot of basically as the water, and Clint and Mr. Greenlaw feel free to correct me if I am wrong, but as storm water is washing down into the site in the rilling effect you are left behind with this fine mud that now creates conditions for prolonged ponding of surface water.

C. Webb: And I think that part of the Hayes site up by Fenn Road is actually making its way to Myra Cohen Boulevard because we saw, we knew even with all that water you saw, nothing was leaving this site. It is that well encapsulated and yet when we get on the other side, we saw milky, sediment laden water so that had to coming from somewhere and I am assuming it is coming off the northwest corner of the Hayes site down into Myra Cohen's storm and storm system into there.

Chairman Zelek: Commissioner Arburr.

Commissioner Arburr: Would there be any benefit, in your professional opinion, of having the owner of the Hayes property make the necessary improvements, because their plan was supposed to keep their water on their site. Would it be prudent to have the waters that are coming into the site and contributing to this fact, would it be a benefit to have them contain their water on their site.

C. Webb: I am going to make on quick statement and then I am going to let Chris handle the rest of it. Based on, I don't think their site grading and their site development is near completion, so they still have work to do and they are much in the same boat as this site, as the National Welding site. However, I think they need corrective action based on what you have heard earlier from the chairman. There is sloughing occurring and that is a potential to loose that, even if it is not a human impact, if that slope fails it isn't, the check dam and hay bales aren't going to stop it from going through that.

Chairman Zelek; So, I discussed the faulty conditions with Chris and I believe Chris as our town engineer is addressing that as a separate topic with the property owner.

Commissioner Arburr; Hayes, the Hayes. Thank you.

Chairman Zelek: Any other commissioners?

C. Webb: All right, then we will go to the last topic which is the detention basin, was the original intent of the CT DOT design goal and they designed that to retain water temporarily and funnel it a through a series of around and through berms that would create a sinuous pathway before it got to the stone outlet flash pad which then goes into the existing wetland. I have been told by engineering people who know and who have looked at it that the outlet of this structure was built too high. Well, not too high, I don't want to use that word, higher than the inlet. So what happens is is this water and these berms, basically there is a berm going this way, you know with an opening around that end and there is a berm coming this way with an opening around this end and there is four of those. So that water is traveling only during serious storm events, would the water go over the top of that. So that gets your one inch storm, is what the original design is, which carries the 90% of you sediment pollutant goal, so that is what was designed. What was built or how what was built functions, this was a non-wetland area, so they were able to just dig in to and create it, is that it is not a detention pond, because a detention pond, because a detention pond has to go dry, sometime shortly after the storm event is over and then that stays dry and the next storm comes and that fills up temporarily, that's a detention. This is a retention pond, all right. You will see in my report how I refer to it from my perspective as an environmental planner as well as an ecologist, if I was designing a detention, a retention pond, this is the way I would design it. Now, my ecological side says well, they have done that and it is three years old or so and you saw how fast one year on the, over by the National Welding site, how you could get on a tiny little bit of silt and sediment you could get cattails growing, well three years this thing is thriving. So, it's my opinion as an ecologist, that this is a functioning wetland system, it is an open water body surrounded by a fringe wetland and it has wildlife habitat functions. Now I will let Mr. Cole talk about what he thinks it is from a soil scientist stand point, because this was built in a non-wetland and it was never supposed to be a wetland, but it is a wetland now, it is a wetland system, so with that I will turn it over to Mr. Cole.

I. Cole: Sure, so I am in agreement with Mr. Webb's assessment that this storm water management system indirectly has created a wetland habitat. What are left with is a permanent body of standing water and surrounding the ponds edge, it is very well defined, it is a man made feature, we have various wetland plants, we have a diversity of wetland vegetation here, we have, we didn't do a full site inventory again, we were showing wetland boundaries that were within 100 feet of the property line because you have an upland review area that could encroach onto the property, so that is what we

were doing. So along the, basically the wetland boundary corresponds with the open air watermark of this system, along the toed slope we are starting to see some development of hydric soils, really the soils in this area are what's considered and acrid soil, where they are saturated from the ground up, the upper 20 inches of saturated long enough to support a predominance of hydrophidic vegetation, we have various wetlands hedges, grasses and brushes, growing in this area and as a testament of how wet it has become, a lot of the plantings along the perimeter of were upland plantings because it was designed as a dry feature and the all the plantings are subsequently drying because it is just too wet of a site for them and I believe, I was told from Mr. Greenlaw and from Andy here that the DOT intent is to revisit this site and to actually go in here and plant more wetland planting to enhance this feature so that is a better functioning water treatment system. So it is my professional opinion that this area has the necessary soils to be designated as a hydric soil, it has hydrology, it is a permanent standing body of water and it has a predominance of wetland vegetation.

C. Webb: I would like to just add one quick note to that. Now that is Mr. Cole's and Mr. Webb's professional opinions that this is now a jurisdictional functioning wetland, it could, there could be, because it is fairly new and a man made structure with a different intent and purpose, some other consultant or state agency might disagree, but that doesn't change our opinion.

Chairman Zelek: Is that jurisdictional in accordance to Newington's inland wetlands regulations.

I. Cole: I believe yes, it is my personal opinion that that is jurisdictional in accordance with the Town of Newington's.

Chairman Zelek: Ok, then I saw some questions over here from the Commissioners. Commissioner Paskewich first and then to Commissioner Arburr.

Commissioner Paskewich: Who is responsible if you know, I don't know who to speak to about this, to maintain this as a wetland.

Chairman Zelek; Is that the germane to a map amendment.

Commissioner Paskewich: And there is an embankment that is fairly steep on, I can't right myself, but if you are on the road looking across the pond...

I. Cole: They bus way.

Commissioner Paskewich: The steep embankment above, what's above that embankment?

I. Cole: The Stop and Shop plaza.

Commissioner Paskewich: Ok and is there a parking lot there?

I. Cole: Yes.

Commissioner Paskewich: I am thinking that if there is a parking lot there, if there is a curb or not a curb we could see oils or something spilling down the embankment in the future.

C. Webb: I don't have the knowledge.

Chairman Zelek: So....

Commissioner Paskewich: And also the embankment.

Chairman Zelek: I understand your concern about pollutants, but we really working on a map amendment right now, I really don't want to spend any time on that. Commissioner Arburr.

Commissioner Arburr: Mr. Webb or Mr. Cole, how far up from the base water level, you know that is there all the time, have the wetland soils expanded up, approximately how many feet?

C. Webb: Well it varies, you can see here if you look at this part of the photo, you can see the plants are actually moving up the slope a couple of feet, I would say it averages between a foot or two.

I. Cole: Yeah, I guess for clarification purposes I would refer you to the survey plan which you could probably look at and I would be in the opinion that more or less you are going to be within one or two topogrades there, so it is fairly uniform system bur form the pond edge to where the wetland boundary is, 15 feet.

Commissioner Arburr: Oh, really.

I. Cole: Because you have a vegetative buffer that is growing there so it is kind of hard to know where the pond edge is in some locations.

Commissioner Arburr: That's the average, or what would be the average.

I. Cole: You're talking 15 feet up slope, I am talking 15 feet horizontally. So I have probably answered your question incorrectly, the way I am looking at it. I have to refer you to the survey plan.

C. Webb: It is that way, the limit of Mr. Cole's wetland boundary.

Chairman Zelek: Is that it for the report?

C. Webb: Yes.

I. Cole: That is it for our testimony.

Chairman Zelek: So, I want to ask the commissioners, I want to go around and I want to get your opinions regarding the first item that we looked at which was that wet area with reeds that the consultants discussed. I just want to go around and get an opinion from each of you whether or not you are satisfied it is not a wetland or it is a wetland. Commissioner Arburr.

Commissioner Arburr: I would say no.

Chairman Zelek: Ok, Commissioner Paskewich.

Commissioner Paskewich: In listening to the professional testimony of both the soil scientist and the environmental person present here with the applicant, I feel comfortable in how they tested, observed and provided information to conclude to me that my opinion is it is not a wetland.

Chairman Zelek: Commissioner Manke.

Commissioner Manke: I agree.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: Um, not to go against the grain, but I think that you don't need a soil scientist for those physical characteristics, but I agree with Mr. Brecher when he refers to the, I think that is the pivotal question, is it is a permanent bank and that is the one area that we could argue and I could capitulate and say that what is a permanent bank. If you dig a hole and you hold water it is, but in this case I could go along with the notion that it is not.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: I agree with what Commissioner Paskewich said, based on the testimony given by both experts I am comfortable saying that it is not a wetland.

Chairman Zelek: Commissioner Block.

Commissioner Block: Based on the reports and the testimony, it is a temporary invasion of a wetlands plant, it is not a wetland.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: I will with the tide and say it is not a wetland.

Chairman Zelek: Commissioner Igielski.

Commissioner Igielski: It is not a wetland.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: It is unanimous, because based on the definition, the testimony was beyond 20 inches with no wetlands soils were found, that is the definition as a wetland soil, that was not found, there were other soils on top of it, it doesn't seem anything is coming from the bottom or from the top, it is not wetland soil.

Chairman Zelek: Ok, thank you commissioners. Commissioner Arburr.

Commissioner Arburr: I would just like to amend my statement, when you asked me I said no, no it is not a wetland in my opinion.

Chairman Zelek: I think we understood what you meant. Thank you. Commissioner Bachand.

Commissioner Bachand: Just to clarify, when we say a wetland, we are also referring to a wetland or a watercourse.

Chairman Zelek: Correct.

Commissioner Bachand: Because a watercourse doesn't need to have wetland soils necessarily.

Chairman Zelek: Under our regulations. Ok, thank you commissioner. Anything else to add?
Chris.

Chris Greenlaw: If I may Mr. Chair, there was a statement made in reference as to my opinion earlier, and just a correction to that record. My statement with regard to the detention area that is acting as a retention area, it is my observation of the as built elevations is that I believe that there is water ponding or what is contributing to that ponding situation is that the outlet pipe as observed in the as built is higher than one of the inlet pipes and the base. I am not saying it is a wrong design, I am not saying it was malconstructed, it is an observation by myself as to elevations as recorded and I want that on the record.

Chairman Zelek: While we are at it, I want to also get on the record that the report of the subcommittee was distributed to Mr. Brecher well in advance of this meeting, we did meet, we went through every item as a precursor to this, Chris, I and Mr. Brecher met and went through the entire report. I am very surprised that Mr. Brecher made a statement that they did not have a copy of this. It was distributed with our materials and what was presented to this commission was the same report that Mr. Brecher saw. Anything else from the applicant? Otherwise we will move to public comment.

A. Brecher; I would just like to add that the commission has been extremely patient and attentive throughout this what is now turned in to be many hours or listening to testimony and we do appreciate that. As the chairman had pointed out previously, this is an important site for the town, we want to make sure that we do everything right and for those of you who didn't have the pleasure of being out in the rain for an hour, you certainly have put in your time around this table and we do appreciate that very much.

Chairman Zelek: So we are going to go to public comments. Any members of the public wishing to speak on this application for a map amendment, please come forward. Ok, seeing none, we are going to close public comment. I am going to ask the commission whether or not they feel is though we can close hearing at this time.

Commissioner Manke; I would so move that we close the public hearing.

Commissioner Block: I will second.

Chairman Zelek; I have a motion from Commissioner Manke. I am going to go to Commissioner Igielski for comment before I accept your motion.

Commissioner Block: That's fine.

Chairman Zelek: Commissioner Igielski, because usually it is our secretary that will read the motion into the record.

Commissioner Igielski: The motion has been made and seconded, at this point, I would offer the following comments on the motion. First, it was mentioned by the applicants, the environmental person, that his report had errors in it, will this commission require correction of that report and submission before the hearing is closed so they can be accepted into the record as a public hearing is open or would the commission just accept his verbal correction.

Chairman Zelek: I would accept his verbal correction, I think we thoroughly vetted out all the concerns this evening.

Commissioner Igielski: Second, it was mentioned early on that more written confirmation was going to be forthcoming, it sounded as though the information was due by the applicant and his experts during the presentation, again with the public hearing closed, then whether or not the written report can be accepted. It seems as though, in my opinion, it cannot be. All the commission could then go by is the verbal, so.

Chairman Zelek: Can we get a consensus then from the commission that we feel as though we have all the information we need for the record.

C. Webb: There is not report forthcoming, no written report.

Commissioner Igielski: Ok, I just thought I recalled hearing that it would be coming.

Commissioner Block: Mr. Chairman, I would agree that we thoroughly vetted the issue and are comfortable with our determinations as indicated by the voice.

Chairman Webb: Thank you Commissioner Block.

Chairman Igielski: Ok, so we have a motion to close the public hearing, any further discussion? Ok, seeing none, I will take a vote. All in favor of closing the hearing?

Commissioners: Aye.

Chairman Igielski: Any opposed? Abstentions? Ok, it is unanimous, the hearing is closed. We will move this to Old Business. Is the commission feeling as though they can vote on this this evening under old business?

Commissioner Block: Mr. Chairman again, there was a comment made earlier about the removal of some of the debris. I just want to make sure that we have a chance to....

Chairman Zelek: I wish you has spoken before we closed the public hearing.

Commissioner Block: I did speak before.

Chairman Zelek: We never got around to addressing that, did we?

Commissioner Block: No.

Chairman Zelek: Would you be satisfied with having your own discussion with the applicant, because it doesn't seem as though it is germane to the map amendment.

Commissioner Block: It was brought up, I did have a conversation with him about it, but I am concerned that the record of these minutes may reflect either confusing or an incorrect position on the removal of the toxic waste materials from the site.

Chairman Zelek: Right, but this application is not for the removal or disposition of those materials, it was just an item that came up in discussion.

Commissioner Block: I understand and agree thoroughly.

Chairman Zelek: This application is on the wetland boundaries which we are going to be voting on. Commissioner Casasanta.

Commissioner Casasanta: Yes Mr. Chair. Getting back to your original question, we had an opportunity, this is a public hearing, and we've had an opportunity for the public to weigh in on it, seeing that there has been no comment from the public, it seems very non controversial. I would not have a problem in moving this to old business this evening.

Chairman Zelek: All right, so we will table this now and we will take it up again under old business and vote on it then, all right? We are going table his and we are going to move on to the next item, which his new business, Application 2016-08, 131 Summit Street - Commercial building and LID measures in the Upland Review Area (URA). If the applicant is present, would you please come forward and state your name and if you have a representative if they could also identify themselves. Thank you very much for your patience, I know that it has been a long evening.

Dan Pizzoferrato: My name is Dan Pizzoferrato, aka 131 Summit Street LLC.

C. Webb: And for the record, my name is Clinton Webb, environmental consultant with C. Webb & Associates, I am representing Mr. Pizzoferrato's project.

Chairman Zelek: Do you have any overheads?

C. Webb: No, you can turn that off.

Chairman Zelek; All right, can we begin.

C. Webb: What you have before you tonight is an application for development on a commercially zoned property on 131 Summit Street in Newington. The side is approximately .3 acres in size and it was partially wooded until recently and currently now it is cleared of vegetation surrounded by silt fence. Because it is a site that has been undeveloped for quite a number of years, it served as the local dumping site for all the neighbors various stuff that they didn't want anymore. So, in order to restrict that from happening anymore, we put silt fence around the site and it did have one large, about 36 inch, sycamore on it which was right on the property line and had basically a 30 inch hollow core, so it represented a very dangerous situation, it was close to the, right up against the property line, so I asked the applicant to take that down. Other than that, there were no other significant trees on the site, but a lot of junk. Immediately to the north of the site is a, the only other commercially zoned property known as Cyr's, spelled C Y R, Woodworking Shop, it's a site that is covered completely by building and pavement. It is has a drainage easement from very long ago on to the applicants site, the surveyor looked for, in the drainage easement noted a 12 inch pipe, but we were unable to find that and I have a feeling that over the years as the adjacent parking lot go more developed and so forth, that pipe just got buried. Along the property is the bus way and basically they took about 3 feet of the site to put the bus way area fence on it and just to the west of that bus way fence, or wall would actually be a better term, is an MDC sewer right-of-way, that runs along the back of the property or the east side of the property and then that is also intercepted by another MDC pipeline coming from Summit Street down to that along the southern boundary of the site, then Summit Street forms the western boundary of the site. The sheet flow that comes off the Cyr's site into this site traditionally has just sheet flowed towards the back, towards the east site of the property and to a grass swale and then on to the adjoining property, residential property and then shortly after goes in to a culvert which carries that water underneath the bus way and out to the eastern wetland system that runs

along the other side of the bus way. That culvert has a head wall on it and a small very steeply sided wet area that is also the outlet for a much larger wetland system much to the south along the back of the houses on Summit Street. So the wetland boundary line as depicted on the Town's map is spot on, there is no need to come in for a wetland map amendment, we agree with that boundary as its shown on the town map. So what that does, is that, when you put an upland review area line around that culvert, in the little wetland pocket that is inland to the culvert, it comes out, it reaches the applicants site, the proposed development site. There is approximately .115 acres of upland review area associated with that small wetland that actually encroaches on this site, so that is why we are here. Ok, that is the bottom line, it falls within your jurisdiction. The proposed activity on the site is the construction of a metal commercial building 75' x 40' and accessory development will include the necessary parking associated with that required by zoning and the driveway and then a 8 foot high stockade fence along the south side of the facility which is required because there is, it abuts a residential use. The real issue here is how do we attenuate the storm water run off associated with this development. You already have so much coming through the site and that is the existing condition. The two engineers that have been working this project, fine tuned the development, and actually came up with a design that will not only attenuate the storm water, any increase, but actually will reduce it slightly from what it exists today and at the same time through the proposed plantings in the swales system, will also offer them storm water renovation.

Commissioner Sadil: Mr. Chairman, so liking at this my main concern is what is the hydrology impacts of the wetland you discussed. It seems to have a retention system, what are the impacts?

C. Webb: Well, actually, there won't be any impacts, there is actually going to be an improvement, let me give you that number. The staff, the town staff has not completed the final sign off, we have been back and forth and coordinating with them and responding to their comments and fine tuning it and actually handed in the final design supporting documents for the final design today and got a cursory review.

Commissioner Sadil: I was reading in your report and it is basically a detention that breeds a retention here, they cascade one another.

C. Webb: It is a swale actually that acts with these little berms spaced along to slow down the velocity and hold back the water and actually you get increased treatment as it goes through each chamber and then it finally gets out in outlets on to the existing outlet where it goes today. So the engineering staff of the town was very concerned that you already have one commercial site that has no treatment at all, and no attenuation of a flood flow, so in the site its stable right now so it is actually very critical that even adding a little bit extra, you know like lets say we only could contain 70% of it, well that extra twenty or thirty that we couldn't contain could be the amount that now erodes that stabilized existing flow path all the way through the channel. I don't want to get into the details, but, basically we have an increase like 3,055 cubic feet of storm water run off with a 25 year storm, now with this proposal before you tonight, that's in the engineering office for review, the post development will actually, we are actually going to reduce it by .007 CFX. Not a lot, but a little, so it is actually going to better than it is today. I mean, that's it in a nutshell.

Chairman Zelek: Commissioner Block.

Commissioner Block: A couple of questions. This first, while it is a simple one, up against the Cyr family side is a rectangle with diagonal stripes that is not identified, what is it?

D. Pizzoferrato: I can answer that. So what you are looking at there is slash bar for a handicapped stall. Is that what you are speaking of?

Commissioner Block: It might well be.

D. Pizzoferrato: This is coming from some one that is in the line striping business, so that is why I identified that. So that is what you are looking at there, that's probably.

Commissioner Block: Striping, ok. Second of all, I noticed that the sanitary sewer easement runs along upper side of the swale lines and I don't really see any relevant elevation differences between the depths of that sanitary and the bottom of your swale.

C. Webb: Well, just for the record, I would like to state that the MDC has reviewed the project at each stage and has signed off on it and agrees with the design and that letter is on file with the engineering department.

Commissioner Block: So which is higher, the bottom of your swale or the sanitary?

C. Webb: Oh no, the bottom of the swale.

Commissioner Block: Is much higher.

C. Webb: It has to be, you are not allowed to encroach more than a foot.

Commissioner Block: That's what I want to make sure and where is the connection to the building for the sanitary and the water?

C. Webb: Well, I see the water line...

Commissioner Block: You do, where?

C. Webb: With the W.

Commissioner Block: Where?

C. Webb: Let me. It's on my plan.

Commissioner Block: Ok, just as

C. Webb: Ok, yeah, they run, the connection are in Summit Street.

Commissioner Block: Within the paving.

C. Webb: Within the paving and under the driveway.

Commissioner Block: To the, what the north of the swale.

C. Webb: Yes, yes north.

Commissioner Block: And a sanitary connection?

C. Webb: Is also in Summit Street, north of the swale.

Commissioner Block: It is?

C. Webb: No, are you...

D. Pizzoferrato: Well, actually we have been in communication with MDC, there is a Y that runs along the southern property line.

Commissioner Block: The Lombardo side.

D. Pizzoferrato: There is, yes.

Commissioner Block: So that means it is going to have to cross your swale.

D. Pizzoferrato: There will be a Y there and we haven't worked out the specifics on the engineering with Chris in regards to exactly where we are running our sanitary at this point. What we were addressing was the swale, our water impact and our storage of what we were doing with our storm water at this point. My understanding is that we haven't even touched on those issues yet, am I correct?

C. Webb: That's planning and zoning, right?

Commissioner Block: I am concerned because the relationship between the depth of the sewer line, the MDC sewer, the swale and your elevation for your, I presume it is a slab building, makes it a little bit complicated to clear the swale, you know the drain swale. So, I think we need to have some resolution as to how those three are going to interact. And lastly is, what is the use of the building, it just says warehousing, what are you going to be storing there?

D. Pizzoferrato: So the use of the building as of know is contractors storage, just like another building I previously developed on Alumni Road, so it is a contractors storage building.

Commissioner Block: Chemicals? Toxins?

D. Pizzoferrato: Oh no, no, no. Asphalt, asphalt business. I am a contractor that does asphalt work, and asphalt maintenance work, so.

Commissioner Block: Ok, so there is not going to be any interior drains.

D. Pizzoferrato: No. It will actually be specified as cold storage.

Commissioner Block: Chris, do you have anything to offer as to the relationship to the sanitary connection.

Chris Greenlaw: Two things on that. Number one is MDC has reviewed this plan, because we do have a record file, we didn't highlight, but there are exclusions as to, you know, they don't want any physical structures on their easements, but there is an allowance in allowing this LID as we speak. If you want to see the inverts on the plan, MDC is usually pretty diligent, but this plan is also going to go through TPZ as well. Obviously we can only construct the swale, you know, my first statement is if you look at the existing ground it is at 68 and the finished floor is going to be 71, so we are three and a half feet higher than that.

Commissioner Block: But what is the elevation for the sanitary?

Chris Greenlaw: The sanitary would have to go out below the floor, because if you look at the grade as proposed, it is 67 which is almost exactly, in fact it is, almost exactly straight, so that sanitary line is going to have to....

Commissioner Block: It is 70.91 at the Street, up at Summit Street.

Chris Greenlaw: No, no. If you look at where the sanitary Y is, where the, if we look the building if we look at the south side of the building, if you look at the annotation where it says it is a 40 foot long building, right next to that there is a line that leaves almost perpendicular and it heads towards the sanitary line, that is going to be the sanitary lateral. But the short answer is, we will have inverts on this plan for you by the next meeting. That is the short answer. But it is on there, they should, we will provide the inverts and make that comments. They have to be above the sanitary.

Commissioner Block: Obviously. Also, on the same token, I would suggest even so, that here be an annotation that the sanitary issue is dependent upon the cover materials.

Chris Greenlaw: I wouldn't put that on the MDC, because they are in allowance of this drainage over their existing line and certainly if they had a concern it would, I would leave it to the MDC to make that comment. They are pretty thorough with their reviews.

Chairman Zelek: Will we have the opportunity to review?

Chris Greenlaw: We will ask the applicant to reaffirm that the discussion that they had with them as far as the physical structures that are being allowed along with what kind of comprehensive review are they going they going to follow, are there any additional comments as to inverts, elevations and so on and so forth.

C. Webb: Yeah, I will bring you all the correspondence or at least a synopsis of all the correspondence. It has been ongoing and we have responded to each of their comments, in kind. We send them a revised set of plans, they review that, they have more comments, we fix those and now we just got that letter last week that said everything is fine, but we will bring that in since that seems to be an important issue.

Chairman Zelek: Does that satisfy you? Commissioner Paskewich.

Commissioner Paskewich: Could someone please refer to the L.I.D. measures that are going to take place in the upland review area briefly.

C. Webb: Ok, well basically what you have along the south side of the property line is a grass lined swale with check dams along side with a notch and they width and the bottom are designed based on the town's guidance for storm water quality treatment and it turns out all of that water quality treatment, except a tiny little nub is in the upland review area.

Commissioner Paskewich: And that is the extent of it.

C. Webb: Yeah.

Commissioner Paskewich: Thank you.

Commissioner Sadil: Mr. Chairman.

Chairman Zelek: Commissioner Arburr was next.

Commissioner Arburr: One thing I suggest you do is with, on your typical section sheets you have no dimensions as far as the thickness of things, there are all like a standard, not to scale detail. If you look on the sheets, there is, it gives the size of the stone, etc. It doesn't give the depth on any of the sections.

C. Webb: We actually have that, but its on 8½ x 11 and submitted, it will be added to that.

Commissioner Arburr: And the other thing is, you are noting, again the details should relate to the actuals widths that you are going, they look like they are standard detail, they should depict what the width of the is shown on the plan. For example, you showed a 3 foot wide swale, a contractor will go in and look at a 3 foot wide swale and put that in, so I would like to alert you on that. Could you briefly, on the cross section it shows that you are going to use a biodegradable type of topsoil, I don't know if that is the right term.

C. Webb: No, no it's not degradable, it is a bio filter. What that is a mixture of like sand and soil that allows good infiltration.

Commissioner Arburr: Does that have grass on it?

C. Webb: Yes, it is a wet mix, we are proposing a wetland mix by New England Wetland Plants called Wet Mix, that tolerates not permanent inundation, but occasional inundation.

Commissioner Arburr: And it will give you the proper penetration downward through to your four inch pipe, it will not clog or anything that could result in the basin just filling up and the water not going down you know through the biodegradable soil. In other words, that soil will always remain biodegradable and filterable.

C. Webb: Not biodegradable, it is not going to degrade.

Commissioner Block: Permeable.

C. Webb: Yes. Yeah, it will remain permeable.

Commissioner Arburr: Ok, even though the grass is over it.

C. Webb: Right, I mean the only maintenance that would be required would be not to let the swales fill up with leaves, any kind of heavy vegetation that would ...

Commissioner Arburr: Well there should be, the owner should somehow, prior to the plan, should be made aware if there is going to be a maintenance problem, when it should be in the guidelines to put it because I mean you are putting a very interesting type of design here that appears to be functional. The reason I raise the question is you basins that the way they look to me, the way the are built, the dams are earth. You know the berms going across, we call them dams.

C. Webb: Right.

Commissioner Arburr; You look at that, that is not permeable material, so if you are not getting the permeability through it, you are just going to have ponding water, those ponds, that is just a concern that I would like to bring to your attention.

C. Webb: I am not the engineer, let me make that clear, he is home severely sick. I didn't want to be around him, and I didn't think you guys would either. I will bring him to the next meeting.

Commissioner Arburr: And the other thing is, I am looking at an elevation here, I couldn't, I would just like to have you verify that the water is going to come out of that 4 inch pipe, it's an elevation, it looks like 65.5 is it gonna, to me it looks like your berm may be higher and you have ongoing ponding water at that outlet there, I think you should look at that.

C. Webb: Yeah, I mean there is an intent here to temporarily pond water. We don't have good permeable soils, that is why are adding the biofilter.

Commissioner Arburr: I am talking at the outlet, the outlet, it appears that the pipe, just looking at the numbers, appears to be below the ground there, a little and then you've got the stone dam up there, I could be wrong, why don't you just look at it and check back with Chris on it.

C. Webb: Ok.

Commissioner Arburr: I'm just calling it to your attention.

C. Webb: Yup, I'm taking your notes.

Chairman Zelek: Commissioner Sadil.

Commissioner Paskewich: One of the comments I have.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: Yeah, just a question. Off the swale is that perforated pipe at the bottom of the swale, so I am assuming the water is going to percolate through your biofilter and go into that perforated pipe.

C. Webb: That is correct and then...

Commissioner Sadil: What happens then?

C. Webb: And then it works its way to that stone berm, splash pad, checker thing right at the end of the corner of the site.

Commissioner Sadil: Ok.

C. Webb: And then either, during low storms it goes through that and makes its way to the culvert and then big storms it will, I mean over a 25 year storm, I will probably roll over that, but you know at least you held back the majority of the water.

Commissioner Sadil: You are avoiding the wetland basically and it is going to go somewhere down the culvert, somewhere...

C. Webb: No, it goes over land to the culvert, to the wetland. It goes over land from that point, in the existing grass swale. So that is why it is critical not to increase the velocity.

Commissioner Sadil: Agreed.

C. Webb: Volume is not the enemy, it is velocity, velocity is what does the cutting.

Commissioner Sadil: It is just that now can review impervious, right. Before that water was percolating down to the ground, that's there now.

C. Webb: Somewhat, yeah, somewhat, not a lot. These soils, I had the benefit of getting the analysis done for the bus way and they identified these as not your optimum well drained soils. That is the reason why we struggled, because we couldn't get the infiltration, that is why we are putting in a biofilter. If we had decent soils we wouldn't have had to do that, it would have just done that naturally.

Chairman Zelek: Commissioner Block.

Commissioner Block: I would like to endorse Commissioner Arburr's position; it behooves you to have the maintenance requirements for this design.

C. Webb: I gonna, I will prepare a maintenance plan.

Commissioner Block; To be added to the permit.

C. Webb: Yup, yup.

Commissioner Block: Otherwise, 10 years down the road we don't want subsequent owners simply to have this thing go to pot on them.

C. Webb: No, I have a maintenance plan that works really well, I use it mostly for rain gardens because those can easily, by subsequent land owners, can be easily misinterpreted as landscape features, you know, so I will modify that plan and incorporate it with our, for our next meeting.

Commissioner Block: Thank you.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: Is was just looking at the size of the 4 inch pipe, is that adequate to drain the entire site?

C. Webb: Yes, because, like I was just saying here, this is not just a filtration, it is actually detention, so we are looking to hold water back because we can't get it all into the ground, so, yeah, but that 4 inch will be enough to take it up to the 25 year storm, so the engineer tells me. And that, between now and the next meeting, your engineering staff will either determine that all these calculations are correct, if there are not then they will request a modification to make sure it is.

Chairman Zelek: Commissioner Arburr.

Commissioner Arburrr; Just for my own education, is there an example of this type of facility in the area one could go look at?

C. Webb: Ah....

Chris Greenlaw: Yes. Mr. Chair, if I may, the commission probably remembers the town itself is not above the law and when we entertain our own applications as we did with the Eversource site, we utilized the same sort of bio swale and that is what we implemented, we utilized, we are doing two different things, we are storing the water hydrologically in an engineering sense and then we are cleaning the water, so this applicant not only has a surveyor, he has two engineers and he has Mr. Webb as a consultant for the L.I.D. aspect. Answering Mr. Arburrr's question, on the Eversource site we implemented the same needs and methods and we utilized, we had a large paving area, we had a paving area for the police impound lot and what we did was the in the grass lined areas we implemented one of these bio swales to take that and again when we are talking about L.I.D. we are talking about that first wash, that first inch of rain, so there is a smaller pipe below the bio swale so that water, that first wash, that inch that comes and takes those hydrocarbons, the petroleums and filters through the grass and it filters through that medium to a pipe that is continually allowing that water to go out and we connected that low flow pipe into a comprehensive drainage. This commission has seen that, so that is one good example that we have had here that has been installed and it is also designed in accordance with one of the foremost in L.I.D design and we have implemented those items into our storm water manual and our resource manuals so that, hopefully I have answered your question.

C. Webb: I meant to look at that today on my way here, but I ran out of time.

Commissioner Arburrr: You talking about the firing range?

Chris Greenlaw: I am talking right here on Garfield. At the intersection of Garfield and Willard we had an application that come forth here for the impound lot for the police department and we implemented an L.I.D. effort in a very similar manner minus the stone check dams because we don't have the volume of water, we don't have the large area and the increase. I think Mr. Webb's report also speaks to the other benefit of L.I.D. on the second page of his report, third paragraph down he speaks to some of the other benefit outside of the engineering component as he talks about the suspended pollutants, solids, thermal decrease in temperature, so these are some of the benefits we have with the staging of that water. The last thing I want to mention for the record is that currently today, that water, the low point, the natural grade and the course of water is to the low point which is the southeast corner before it goes done the property line to the wetland, so that is why you see as part of the conveyance you see kind of this tiered effect with the berms as it directs it as the natural course is and the reason for these large bays is because there a large amount of impervious that they are proposing as part of this commercial sized lot.

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: This is a two story building?

Mr. Pizzoferrato: Actually, no it is going to be a one story building.

Commissioner Bachand: Ok, I am reading over here it says proposed two story, 27'.

Mr. Pizzoferrato: Yeah, well, it's actually not two, the proposed, we are going to be 20 at the eave, actually we going to be, we haven't worked out the exact details of the structure itself, not until we gain some type of approval from this commission will we move forward with zoning and planning.

Commissioner Bachand: But is definitely not a two story building.

C. Webb: It will be high ceiling, there won't be second story.

Mr. Pizzoferrato: No, there won't be a second.

Commissioner Bachand: I am just looking it says two story, 27'.

Mr. Pizzoferrato: Yeah, that might have been an error on behalf of our engineer who put that on there.

Commissioner Bachand: Because I was going to say then the nine spaces probably wouldn't be enough because you would be at not three thousand square feet.

Speaker: That should be corrected for the final plan.

Chairman Zelek: Anything else from the commission? Seeing nothing else I would like to table this and we will move it to the next meeting. **[inaudible - maps being folded]**. The commission can not approve and vote on this this evening, we need to hold a public hearing, so we will...

Commissioner Block: I move that we table this to the next meeting.

Chairman Zelek: I don't think I need a vote on that because it is automatically **[inaudible - maps being folded]**.

C. Webb: Ok, yup.

Chairman Zelek: Thank you very much.

Mr. Pizzoferrato: Thank you.

Commissioner Igielski: Can I request another short recess.

Chairman Zelek: Ok, a five minute recess. I am calling the meeting back to order at 10:10. The next item on our agenda is Application 2016-02A, 690 Cedar Street – Wetland Map Amendment.

V. OLD BUSINESS

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

Chairman Zelek: All right, the public hearing is already closed, is there any further discussion amongst the commissioners, there is nothing else new entered in to the records. We can discuss what we already heard from the applicant and the commissioner and the engineer. I think we have fully vetted this, it was a long application, but it was important that paid very special attention to this one, we did a very thorough job, we have private developers that own property adjacent to it and they may have a special interest in their property rights regarding these wetlands, there may be members of the public that drive by that site and see standing water on it and they will come to this commission and ask

us why we didn't say there was a wetland. Others may see aquatic plants and ask us why we didn't say it was a wetland on the map, so I think we have covered this application very thoroughly, I think we have done a very good job with this and I thank the commission for everything they have done. I would like to thank the applicant for all the work that they have done and I think we are to the point where we can wrap this up and do a vote. Commissioner Block.

Commissioner Block: Yes, I just had that last piece of unfinished business that the beginning of the presentation there was reference to the removal of some contaminated soil and rubble and a reference to the minutes and I would like to ask Mr. Brecher, if the Chairman permits, to resolve that for the record so that there won't be any loose ends.

Chairman Zelek: Ok, so can you point to the statement in the prior meeting.

Commissioner Block: Yes, page 26, the third paragraph down, fifth paragraph down and I quote "We have undertaken those steps and as 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" and I believe the question raised at the beginning of the meeting was has that been accomplished? So I would like to have, ah, if Mr. Brecher can resolve that for us for the record.

A. Brecher: The answer is yes, you have to excuse me, the actual tonnage I believe was closer to 22 tons.

Commissioner Block: Thank you for that.

Chairman Zelek: All right, anything else from the commission? I will ask Chris if the application is complete.

Chris Greenlaw: Yes Mr. Chair.

Chairmen Zelek: Very good. Then John, can I have the motion.

Secretary Igielski: At this time I make a motion that the commission after review of Application 2016-02A and supporting documentation and public hearing held on March 15, 2016 and April 19, 2016 and closed on April 19, 2016 and subsequent discussion by commission members make a finding of fact to approve the proposed Map Amendment to redefine wetland limits and issue a permit by preliminary ruling for the following reasons. At this time I would ask Mr. Greenlaw if had previously prepared formal reasons.

Chris Greenlaw: Yes, Mr. Secretary.

Secretary Igielski:

- A. Wetland limits shown on Town Map are based on interpretation of Wetland soil limits from Soil Survey, Hartford County, Connecticut prepared by Soil Conservation Service in cooperation with Connecticut Agriculture Experimental Station and Storrs Agricultural Experiment Station.
- B. Applicant has retained a soil scientist, Mr. Ian Cole, who has certified on a map entitled "Wetlands Amendment Plan, Inland Wetland Application # 2016-02A, Newington, Connecticut, Scale 1"=40', Latest Date: 2/16/2016,

as being true and correct Wetlands that were flagged in the field by registered soil scientist Ian Cole on May 30, 2015.

- C. There were no public comments in opposition to the map amendment.
- D. Review and discussion by the Commission.

Chairman Zelek: Thank you John, can I get a second please.

Commissioner Clark: I second.

Chairman Zelek: Commissioner Clark, thank you. Any further discussion. I would like to remind the commissioners that only seated commissioners can vote tonight. All in favor of the map amendment?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? The motion passes unanimously. Thank you very much.

A. Brecher: Thank you very much.

Chairman Zelek: Ok, moving on to the next item under Old Business Application 2016-06, 764 Willard Avenue - Clearing and Grading in the Upland Review Area (URA) and Wetland.

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

Chairman Zelek; If the applicant present could they please come forward. If the applicants could please state their names.

Giuseppe Delfino: Applicant

Clinton Webb: Environmental consultant.

Nick Stevens: Civil engineer.

Chairman Zelek: Thank you. Were there any items that the commission had asked for at the prior meeting that we are waiting on?

Chris Greenlaw: Mr. Chair, if I may. I want to state for the record that there were two things administratively that we had asked for. The applicant has acquiesced and signed a hold harmless, therefore providing the manager the ability to sign the application to acknowledge the work for restoration that is to be done on town property and that has been satisfied.

Chairman Zelek: Ok, have a proposal here dated April 9th, do you want to walk us through this Mr. Webb.

C. Webb: Sure. When we last met we talked about coming up with a comprehensive final restoration plan that addressed not only the plantings which you guys had already coordinated with, but also the removal or the deconstruction of a debris pile for lack of a better word in the back corner which had a lot of old logs and tree pieces and some man made artifacts. And the other thing is that, you asked for an example of some kind of signage, badging for the site which I will get to last. So since we last met, we modified the plan, kind of fine tuned it and basically you have on the existing

conditions where there is one mature tree being in that area and the debris pile in the northeast corner. So what I am recommending is that we dismantle that debris pile, we take those logs as the first step and just place them at random angles on the ground around that existing mature tree and then remove the man made stuff from the site and properly dispose of that. Then we would come in and plant the shrubs and two trees that I have recommended in the general locations as shown on the proposed restoration plan and then finally there is a lot of bare ground there so we need to stabilize that and so all remaining, you know disturbed areas would be seeded with a restoration mix that is wet tolerant but also offers wild life value and seed value and so forth and good stabilization. Then, in the upland review area that is part of the rear lawn that needs to be stabilized as well and seed with lawn seed and maintained. Then, before all that work starts now that we have permission to work on the town property, we have put of silt fence illustrated on the plan and then finally, what ever type of signage that the commission feels would be warranted for this site and placed up and then I will, as a final step, come and review the whole complete program, planting program and determine whether or not it meets my requirements and then I will prepare report to that effect for submittal to you the commission.

Chairman Zelek: So, in effect it is kind of a guarantee that the work as proposed will be executed and you will report back to us that it has been done.

C. Webb: Exactly. So that, and we have actually done that in a couple of other projects here in the last couple of years as well.

Chairman Zelek: All right, Commissioner Arburr first.

Commissioner Arburr: Once this work is done, is there any reason for the applicant to have to go back there and do any type of maintenance or once he is finished, the areas stays in its natural state, untouched.

C. Webb: Yeah, no it stays in it's natural, there is not maintenance required for this program and then eventually the open areas that we are seeding to stabilize will also be naturalized, You will have all the surrounding plant seeds will come in there and you will get a nice, thick underbrush with a canopy. I kind of left it as a, this is transitional so it is, most of that wetland is thickly forested and so this will be mildly forested so it gives you, it goes from an open area where everybody's lawns are in the back of their houses to this lightly forested area which is a more diverse habitat.

Commissioner Arburr: Do you feel it might be necessary to put a note on it, or do you feel comfortable...

C. Webb: Actually, I didn't make copies for all the commission members, but we are thinking of something along this line, so how about if I, you share three, you guys share a couple.

Commissioner Arburr: I understand. Ok, I think that will do.

Commissioner Bachand: This is full sized.

C. Webb: Yeah, actually, yeah.

Commissioner Arburr: I'll review my comment about putting a note on the plan because it is going to be.

Chairman Zelek: You make a comment that it is going to be lightly forested and the surrounding area is more heavily forested, why would we not return it back to be more...

C. Webb: It will, it will eventually evolve to that in a natural manner, but what I am trying to do is take advantage of trying to add, right now it is a monotypic environment, so by bringing in all these fruit bearing shrubs, its kind of giving it a little boost, a little extra diversity which it doesn't have right now. The understory is very thick and there is not a lot of variety of wildlife.

Chairman Zelek: I'm just concerned that the neighbors might see these and say "oh I want one of those too" and we are having to go through this again with the neighbors.

C. Webb: Well, you know, that is an interesting point and when I was looking at the different plaques, I was thinking that these could be, you know, I mean they could just be put facing the applicants back yard, but actually I think the best spot would be at the corners of the yard so that the neighbors, it is right there on the adjoining neighbors and property, but then also I am sure the neighbors may have heard what has happened here and hopefully can learn a lesson, but you never know. So, yeah, I don't think those medallions are not for the benefit of the current applicant, you know the applicant, it will benefit future land owners if they move along and also that is why I kind of thought at the corners would be better so that the neighbors on either side know that that this wasn't some great grand plan where you take out the ugly underbrush, as you usually hear people describe it, you know and I am going to landscape it so it looks pretty, just like wetlands and private yards every where.

Chairman Zelek: Commission Block.

Commissioner Block: Yeah, two comments. First of all, I agree whole heartedly, and I would like to have that considered as a condition as an approval of this that the corners of the rear line be masked with those that signage ok, so specifically. That the other thing is I would like to give you my vote, you only indicate 10 different shrubs, I lean heavily to the high bush blueberries. You will probably get some return on your money.

C. Webb: Well it is not cast in stone.

Commissioner Block: To the applicant.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: Since we had a very interesting presentation from the prior applicant and we saw a structure in place prior the land being changed, I would like to continue that type of uniform process. I think photographs are worth a lot and it is a recommendation and request if we could have photographs.

C. Webb: After the fact?

Commissioner Paskewich: Yeah.

C. Webb: Ok, as part of my report.

Chairman Zelek: Even of the progress, you pulled out the dead trees.

C. Webb: Actually that is a good idea because that would be helpful in other applications for lack of a better word.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: During the last meeting I asked how you were going to address the fact that we are going to be hitting the peak of spring migration and nesting over pretty much the next six weeks, until around June 1 and even the pile of vegetation that is lying there now, that picture you gave me, that doing a lot of activity during this critical period could effect nesting of birds both on that property and the adjacent properties.

C. Webb: I have no issue with your concern and I think you should make that a condition of permit.

Commissioner Clark: And fledging is done by June 1st. If things can wait until that period of time you might avoid, even if its just one nest, that would be not allowed to nest because birds would be disturbed by the activity on the site you would be helping some wild life in some way, by delaying the activity until June 1st.

Chris Greenlaw: Mr. Chair, if I may. So to fully understand the commissioner's comments, you would like to see the work commence after June 1st.

Commissioner Clark: Correct.

Chris Greenlaw: The environmental consultant has, in the proposed shrubs, a listing he has provided a narrative for; he says "the following shrub species provide berries for birds and small mammal primarily June through winter" and what we can do is augment that to and should be established or be planted June.

C. Webb: No, you just, no, just make a condition that no work starts before June 1st.

Chris Greenlaw: Ok.

C. Webb: No, leave it then. No. Those, if there won't be, if we put those plants in next week there isn't going to be, they are not going to be developed enough.

Chris Greenlaw: Exactly, not passed mother's day. Exactly.

C. Webb: Yeah, ok.

Commissioner Sadil: Mr. Chairman, just relative to the blue print, you show your narrative will that be better or which trumps the other, a blue print or the condition.

Chris Greenlaw: We reserve an area on the plan to put our conditions for our approval.

C. Webb: That's the blank space.

Chris Greenlaw: Our certificate of action, so if we make that a condition it will be on the plan.

C. Webb: That way there you don't lose the 8½ x 11 and you get the contractor.

Chairman Zelek: You will get the signs for us and work will commence after June 1st.

Commissioner Paskewich: Get the photographs on the condition.

Chairman Zelek: Photographs in the report. Is there anything else commissioners?
Commissioner Bachand?

Commissioner Bachand: I would just like to mention that I saw this same sign over at Mill Pond, I think it was your work.

C. Webb: Yeah.

Commissioner Bachand: Pretty impressive, I don't know if it is this big or not. It seemed like it was a little smaller but its not too, it doesn't take away from the natural environment, but it kind of give you a little warning. Maybe we can add regulated wetland resource in there or something, I don't know, but I thought is was a nice sign.

Chairman Zelek; Chris.

Chris Greenlaw: The discussion, the chairman and I seemed to have discussions at least once a week at a minimum, perhaps more as of recent, and I will just get right to the point. Mr. Chair, just you had mentioned that there are ten different plants listed, certainly I think on the plan it designates that ten shrubs will be installed and you had said that perhaps you would look at groupings, so obviously it is great we have ten different plants because depending on availability, you know when you go to a nursery or whoever your landscaper is, they have availability on an economy scale. Hey, we have ten of these, but rather than ten of one or ten different ones, you know groupings, do three of one, three of another, you get the pollination, you get groupings for habitat and I believe that was something you had mentioned.

Chairman Zelek; Yeah, I didn't want to see this be all one variety. You know...

C. Webb: Well, there goes your blueberry patch. Generally, it is a minimum of three and if you want three species out of that list are always at least available, so you could, it you want to spec that in your condition.

Chairman Zelek: I don't think we need to specify, we can leave that up to you.

C. Webb: Yeah, just three, just three varieties. The standard.

Chairman Zelek: All right, anything else from the commissioners. Commissioner Bachand.

Commissioner Bachand: I just meant to point out there is a minor mistake on the map where you it refers to the edge of the wetland, it has an arrow pointing to the back property line. There is another arrow over here, it just seems like that deck should have been moved over a little bit so you could see the where your going to.

Chris Greenlaw: Mr. Chair if I may. The map is correct.

Commissioner Bachand: The property line is the edge of the wetland?

Chris Greenlaw: Yes.

C. Webb: Yes, according to the town map.

Mr. Steven: The property line extends beyond that, we are only showing the effected area.

Commissioner Bachand: Oh, so the wetland is down here.

Mr. Stevens: That is the actual edge of wetland, that is where it becomes a water body.

C. Webb: No, that is where it goes from upland to wetland, is the property line.

Mr. Stevens: He is talking about the line way to the right.

C. Webb: Oh.

Commissioner Bachand: I thought this text was pointing to the property line, it says edge of wetland.

C. Webb: Yeah, per town map it is the property line for that area.

Commissioner Bachand: It's not the upland review area?

C. Webb: No. The upland review area is back farther.

Commissioner Bachand: Oh, ok, so it falls right directly on the property line.

C. Webb: The wetland.

Commissioner Bachand: Ok.

C. Webb: Yeah, their, that is actually pretty accurate because those were developed in a very uniform manner and picked up by GIS.

Commissioner Bachand: So then what is this arrow over here?

C. Webb: It is just pointing to the stream that is out in the middle of the wetlands, that's really extraneous. There is a stream that goes behind the bus.

Chairman Zelek: Any else commissioners? So we have to make a determination whether or not a public hearing is necessary. Chris, did you get any requests or inquiries from the public regarding this?

Chris Greenlaw: No I did not Mr. Chair.

Commissioner Block: I move that a public hearing is not necessary.

Chairman Zelek: I was going to let our secretary do that for us.

Commissioner Block: Ok, sorry to preempt.

Secretary Igielski: Would you want to first ask the town engineer if the application is complete.

Chairman Zelek: Yes. Is the application complete Chris?

Chris Greenlaw: The application is complete.

Secretary Igielski: At this time I make a motion that based on the evidence before it, the commission made a finding of fact that a public hearing is not necessary for Application 2016-06 because the proposed activities do have not have a major impact or significant effect on the regulated areas.

Chairman Zelek; I would like Commissioner Block to second.

Commissioner Block: I second.

Chairman Zelek: All in favor?

Commissioners: Aye.

Chairman Zelek; Opposed? Abstentions? It is unanimous. Now let's get our motion for the application to be read with conditions.

Secretary Igielski: Want me to pass the rest out.

Chairman Zelek: And we have conditions modifying so that there is signage at the edge of the property.

Chris Greenlaw: On the back. We are conserving paper.

Commissioner: Double sided, like that, that is good.

Commissioner Igielski: Mr. Chairman.

Chairman Zelek: Yes. Commissioner Igielski.

Commissioner Igielski: Based on Commissioner Clark's suggestions, I would add the additional condition C be changed from May 1 to June 1.

Chairman Zelek: So the sentence says "Once the planting and restoration has been completed the applicant's soil scientist shall state (via email to the Wetland Agent) that the work has been done in accordance with the approved plan."

Chris Greenlaw: With photographs.

Chairman Zelek: I don't know if we need to write that in here.

C. Webb: No, I'll remember.

Chairman Zelek; You all set?

Secretary Igielski: Yes.

Chairman Zelek: Go ahead and please read that.

Secretary Igielski: At this time, I make a motion that the commission issue a permit by summary ruling for Application 2016-06, and subject to the following conditions: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and subject to the following additional conditions:

A. This permit is valid for wetlands only; additional approvals/permits may be required from other Town departments. It is the responsibility of the applicant to verify what other approvals/permits may be required for this project.

B. The applicant shall provide and place two (2) placards on his property designating the wetland area east of the property. These markers shall be approved by the Commission and placed at the northeasterly and southeasterly corners of the property.

C. The planting and restoration shall be conducted within the growing season of 2016, from June 1st to October 1st. Once the planting and restoration has been completed the applicant's soil scientist shall state (via email to the Wetland Agent) that the work has been done in accordance with the approved plan.

Chairman Zelek: Can I get a second please?

Commissioner Block: I'll second.

Chairman Zelek: Second from Commissioner Block. Any further discussion? All in favor?

Commissioners: Aye.

Chairman Zelek; Opposed? Abstentions? It is unanimous. Thank you.

C. Webb: Thank you for spending the evening with me.

Chairman Zelek: All right, moving on to the next item on old business. Renewal of General Permit Number 1 by the Town of Newington.

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

Chris Greenlaw: Mr. Chair if I may. I believe the commissioners have now seen this for a couple of months and pursuant to our last meeting we made extensive, I don't want to say extensive, we took a recess and spent a little time with this. I memorialized those changes in the proposal for the modified General Permit Number 1 that we are required to update every 5 years and we need to vote on it, we need to act, the commission needs to act on this this evening. I am hoping the language is pretty much perfect at this time and ask that you consider acting on the General Permit as you see it this evening. You should all have a copy in your packets and it should have been sent electronically as well.

Chairman Zelek: Comments by commissioners.

Commissioner Casasanta: This just accurately reflects the changes, oh, I'm sorry.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta; I apologize Mr. Chairman. This new document just accurately reflects the changes we requested to be made to General Permit number 1 in our last meeting.

Chris Greenlaw: I am going to say yes.

Commissioner Greenlaw: Well, I am just saying, because I think we discussed it very thoroughly then, so I don't know how much more discussion we will need to do on it, but if other commissioner want to way in on it, but as long as it, I thought we hashed it out very well at our last meeting so.

Chairman Zelek: Commissioner Block.

Commissioner Block: I hate to raise that but the asterisk indicates that activity considered as minor will require consultation with the chairman. I would presume that it is supposed to be major. You know the mundane you don't want to be bothered with.

Chris Greenlaw: Mr. Chair, if I may. And I will tell you why I disagree. This is in line with all applications. When applicants come in to engineering, I actually what I believe is going to be a minor activity because it will be at the discretion of the chairman to review it with me, go into the field, read the narrative and then either acquiesce and say I believe the agent can administratively review this permit or not, so this is kind of the err on the side of caution. The other benefit that we have is that we have the former town engineer, Mr. Arburr with us, and he can share some insight as to previously what was kind of an accepted practice or protocol as far as the guidance. Between the two of them, but ultimately it is the chair, I think we are increasing the communication effort, I think we have had a past history with some applications in house because maybe we weren't well informed or maybe we didn't communicate effectively and you will notice at the bottom of the permit we are going to send it out to all the other department heads. So you know again, after 5 years it is good to reinitiate this conversation and talk about the permit. We have talked about it recently with department heads, but this is going to be sent back out to them. Would you, do you have any statements to that effect Mr. Chairman?

Chairman Zelek: I have nothing to add. Commissioner Clark.

Commissioner Clark: I would like to state that I think if Mr. Greenlaw thinks this permit will work for him, then I would vote to approve it because it works for Mr. Greenlaw.

Chairman Zelek: I did hear a reference to Commissioner Arburr. Any comments Commissioner?

Commissioner Arburr: No comments. Chris knows that I am only a phone call away.

Chairman Zelek: Ok, good. Commissioner Block, excuse me, Bachand.

Commissioner Bachand: I would just say that sounds like with the asterisk there that almost anything that would occur under this permit they would have to contact your then, is that correct? Because everything is called minor. Anything major would actually be an application I guess, so is that not, I'm not worried about it, its just that is how I read into it.

Commissioner Block: That is what I read into too.

Commissioner Bachand; My only other concern is that there is not really an approval thing, its just eh department head contacts in writing in advance of the proposed activity, but its not like, there is nothing that says they have to wait for approval. I am not trying to make things more difficult, I am just pointing out my observations.

Chairman Zelek: So if we strike the asterisk does that resolve?

Commissioner Block: Yes.

Commissioner Bachand; I have no problem with it, I am just saying the way it is worded, it sounds like they would be coming to you with every single.

Chairman Zelek: So we are ok with the consequences if take that asterisk out.

Commissioner Paskewich: Or say may require consultation.

Chairman Zelek: Commissioner Clark.

Commissioner Clark; I think may isn't a good word to have.

Commissioner Paskewich: I'll tell you why it is, because we need to have faith in the town engineer and the chairman, that's why.

Commissioner Clark: No, I'm not disputing that.

Commissioner Paskewich: And I don't want to keep critiquing this down to another science. We should just leave it like that. We know who we are working with.

Commissioner Clark: That's what I just said.

Chris Greenlaw: You know. Mr. Chairman, if I may. At least the communication effort I have with the chairman and the protocol we have established with the commission, we like to discourage any ex parte conversations or informal quorums online. So you as commissioners are going to drive around town and you are going to be concerned with things. The application over there, is that a wetland, is someone working over there. You are going to communicate with your chair and conversely I am communicating with department heads and they are telling me about things they are going to do and I am going to communicate with the chair. We communicate weekly as it is, so what we are doing is we are developing good communication so that we are not finding out though Facebook or the manager's office or anything else, we are establishing that. I don't think in the essence of having email or picking up the phone, we could very quickly discern what the intended work is and whether or not it needs a formal application, I think that is the intent and so that if there is a crunch in time and we need an answer right away, I could have a communication with the chair and certainly if commissioner see things and they contact the chair, he can say I am apprised of it, I am aware of it and we are going to have a formal report from Chris, our agent, at next months meeting. It might cause some anx as well.

Commissioner Block: I agree with Allen, I think that the footnote only adds some confusion without providing any significant direction. I agree to strike it, because as it said, significant permits will be raised by the agent, minor work you do have good communications any how and as a matter of

routine if it is minor, it's minor, so I don't think it needs to be added to the permit, it just creates confusion.

Chairman Zelek: So the intent is that the general permit is for minor work then, so I don't think you need to have the asterisk.

Commissioner Bachand: Unless you want to be advised, notified of every little time they go out.

Chairman Zelek: As it happens to be, we have to assume the town needs to operate, they are not going to be running to one single person because that is a road block. We want that person to be a critical point their being a pass through for minor work doesn't make any sense, you can't operate like that. Commissioner Arburr.

Commissioner Arburr: 95% or more of the situations that come up can be handled, either Chris by himself or talking with the chairman. In my history, when I was the agent, there were on rare occasions where you take to the line and at that time what I did, and I talked to Chris, I would have brought, then I would bring it before the commission saying here is the situation, do you want to handle it as a minor permit or a permit. This is the exception and it worked. As I say, the bulk of the application, 95% of them can be handled without getting anyone involved.

Chairman Zelek: Commissioner Block.

Commissioner Block: Yeah a recent example, I agree wholeheartedly, a recent example if you remember was some of the material that were found deposited around Mill Brook Park and other areas where, again a concern was raised, it was brought to our attention and we pursued it a bit more diligently. I agree, I think that asterisk is superfluous. Commissioner Clark.

Commissioner Clark: I agree that the asterisk is superfluous and what I like hearing from you that this is going out to all of the department heads, because I think exactly, I was just thinking exactly about what Commissioner Blocks memory of that incident that I think the general permit was assumed and the proper permission, consultation was not done. That is what I would like to see not happen again.

Commissioner Block: Do we need a formal amendment?

Chairman Zelek: Are we ok with this.

Chris Greenlaw: I am ok with striking the asterisk and the footnote.

Chairman Zelek: Commissioner Arburr.

Commissioner Arburr: I don't think you have to put additional language, it is just an understanding of procedure. You have to, and it was pointed out earlier, you have to have some faith between the town engineer and the chairman.

Chairman Zelek; Ok, we are going to strike the asterisk and we are going to strike the footnote. How do we read that says motion to approve general permit number one. John suggestions.

Commissioner Igielski: I would make the motion that the commission approve this minus the asterisk and the note associated with the asterisk. That will allow the town engineer Mr. Greenlaw to certainly make those changes and then have you sign it with the same date of April 19th so that is it now good for five years from April 19th because the town has only one hour and then minutes left on the existing permit and if something were to happen after midnight Mr. Greenlaw can address it quickly in the morning.

Chairman Zelek; Do you need to read the comment into the record?

Commissioner Igielski: It has not been done in the past that that the permit be read into the record.

Commissioner Block: I second the motion.

Chairman Zelek: Well we still have to make a motion first, we were just talking about.

Commissioner Block: I thought that was the motion.

Commissioner Igielski: It was a suggestion.

Chairman Zelek; So if we are all in agreement, we will move to...

Secretary Igielski: With the consensus of the chair and the commission, I will make a motion that the commission issue General Permit 1 dated April 19, 2016 for a period of five years, minus the asterisk and the note associated with the asterisk.

Chairman Zelek: Second please.

Commissioner Block: Second.

Chairman Zelek: Second by Commissioner Block. All in favor?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? It passes unanimously. Moving on to our next item. Inland Wetland Regulations Changes – L.I.D. (Low Impact Development). Chris you are up.

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

Chairman Zelek: Anything further on L.I.D. John you have something.

Commissioner Bachand: I just want to say that I have been to the TPZ meetings and the consensus seems to be that they are going to pretty much scrap it completely for residential. I'm not sure if that is new construction or just renovation, but again that seemed to be consensus where they are going with that. I guess commercial it would still be required and industrial.

Chairman Zelek: Ok. Commissioner Paskewich.

Commissioner Paskewich: Can you expand on what you just said.

Commissioner Bachand: The discussion at the TPZ meetings appear to be...

Commissioner Paskewich: Ok, appeared, I want an accurate statement.

Commissioner Bachand; Well the consensus of what they discussed sounds like their, in its actual statements that they made, sound like they are going to scrap it completely.

Commissioner Paskewich: Ok, is this in the minutes?

Commissioner Bachand: It would be.

Commissioner Paskewich: Ok, can you come back to us with that in the minutes?

Commissioner Block: Will it be too late?

Chairman Zelek: It would only mater to us.

Commissioner Bachand: Are we opposing it?

Commissioner Paskewich: Well, you are bringing it up.

Commissioner Bachand: Yeah, I am saying, should we..

Commissioner Paskewich: You are going to the meetings and you are brining it up. I would like to have an accurate statement.

Chairman Zelek: Well, we have our own L.I.D. when something is proposed in an upland review area, right, so our L.I.D. is going to be. Even it TPZ doesn't adopt it, don't we still...

Chris Greenlaw: We have been, we have been recommending if a site goes before TP&Z, TP&Z has a reg right now written for L.I.D. So for instance, the site that you saw before us for the Summit Street, that is going to go forth before TP&Z, so in advance of that we are reviewing that here, we are recommending that they implement the L.I.D. because we are telling them you have to TP&Z and this is going to be required and this is why, just to reiterate as I did last month, why I believe it is imperative to have the same L.I.D. regs that both land use commissions point to that are the same. So we are watching and listening to TP&Z as they develop and hone and ruminate and make recommendations to the L.I.D. What I would recommend is that they are going to have a public hearing on this and that you all as residents are certainly welcome to go to that and what I can do is ask the town planner where they are exactly and offer those dates for public hearing or the next meeting when they discuss it. So I will send it to you all as commissioners and you and all go as residents to the meeting and be informed. Ultimately when they memorialize their changes, that's when we are going to pick up where we left off on our hiatus from changing our regs. Look at what they have done, look to incorporate it and then move forward in stride. If you like, I can offer whatever information the town planner, I am sure the town planner has this online, but if he has anything specific on his agenda I could offer that to the commissioner.

Commissioner Block: Mr. Chairman.

Commissioner Block: Yeah, I would heartily endorse Chris' suggestion that he ask the planner for an update and disseminate by email to us what is going on and when these dates are, because I

would certainly even though we have very limited new residential construction in town, I do think that these regulations should apply to new construction of residence and I really do think that for the benefit entire town that some consideration should be to implement it for existing homes with substantial renovation because the town is so well developed. We've heard his presentations that if we don't try and have the town permeate with these new designs. Our storm drain system will just suffer. So please, yes, let's stay on top of this and see if we can influence the Zoning commission on it.

Chairman Zelek: So, if you recall in the past, we did send a recommendation to TPZ as the conservation commission, I recommended that did put a moratorium on L.I.D. because of concerns which you expressed. So I do think Chris has pretty valid points, that as citizens it makes sense that we all express those concerns.

Commissioner Block: I would also like to inquire of the commission whether or not we would like to vote to ask you as chairman as to reiterate our concerns and recommendations to the commission more formally.

Chairman Zelek: I think we can probably do that when they go to public hearing.

Commissioner Block: That is what I am anticipating, dealing with that now so it's available to you.

Chairman Zelek: So, do we have certain speaking points. How do you all want to carry this forward.

Commissioner Block: Well, do we need a motion to actually give you the authority.

Chairman Zelek: I don't think so, just a consensus is fine. We have done this in the past. Commissioner Bachand.

Commissioner Bachand: I was just reporting what I've heard. I'm not picking sides, I was under the assumption that we were dictated by their decision so I guess I am hearing it slightly differently. I guess they could choose to not use L.I.D. regs, but we would still have them, is that what I'm hearing?

Chairman Zelek: Chris.

Chris Greenlaw: Again, when we say L.I.D. you are correct in your first assertion, your first statement. All throughout the L.I.D. regs, when you go to the zoning regs and it says 6.5, it says residential and then commercial, it is the residential part that they are looking. If you said permanent moratorium, that is basically removing the residential component from L.I.D. as far as TPZ. My word chaos, if one land use has a regulation and the other land use has a different regulation it would be chaotic because now you have consultants preparing maps in accordance with one way and then go before a commission who prepare them another way and you know, quite frankly, I want to state for the record myself, I have spoke before this commission as far as, professionally, the benefit I believe the amount of effort that goes in and the amount of education, the time, the admin, dealing with the public, the expense, the hardship versus the amount of benefit on the residential side versus conversely the commercial development. Industrial commercial development site plans come in with a team of experts, they are aware of it, they speak the language, more than likely it is a small cost, it is not a hardship economically for them to implement, they have a larger site that allows them a bigger pallet to do much more robust L.I.D. designs and ultimately those commercial sites usually have a maintenance

plan, so you know I am a proponent of just the way were are structured, the amount of staff, the amount of education, the amount of admin, I do agree with a permanent moratorium for residential. I want you to know that as commissioners. I would be happy to sit down with the chair and all of you and get into detail in the amount of time that we have and the effort and the education components and given the staff size it is just, and if you listen to the public, the public could spend here. Ultimately, if the public acquiesces, and they build this and they don't maintain it and it fails, it is a reflection ultimately of us the town. They are going to say the town failed me and that is the perception you get right from the gate with the residents. But that is it you know in a nut shell. I would be happy to give you specific examples, but what we achieve on the commercial side, with the commercial component and the amount of effort and the amount of time and the amount of education and the benefit I think far out ways the residential component.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: One last, we have Fuss & O'Neill's document they provided to the town regarding all L.I.D. methods and practices for commercial and residential. Is that being looked at by departments in town to amend, change, add or delete within that document.

Chris Greenlaw: Short answer. I have built a three-ring binder of details, specs, and items such that needs and methods that they can implement because the language is written but in the practical sense of implementation, the seminars that I have gone to, the designs that I have reviewed, how we have tinkered with the specs of the bio swale and reached out to consultants to make sure these things worked, we have actually built a whole other three-ring binder and we are utilizing other resources from other towns so that when we get into the trenches of design with the consultant, we want to offer things that work and we want a system with their designs. It is not perfect, we are surfing the curve, we are one of a few towns of all the 169 town members that have implemented this into regs but is it my department, I have a laboring ore with my staff of 2½ and so that everyone that walks through that door, engineer or not they need to be well versed in this and they need examples so that it translates to something that works in the fields and is meaningful and not just buried in after a year, and policing whether or not they have been implemented or how they have been implemented is a whole other topic that needs to be discussed with TP&Z as far as following up. Was this built in accordance with the plan. One of the things we did this evening is to make sure that the item as built as we made it a condition of approval that pursuant to the restoration efforts of this one particular application, we put the owness on the owner to pay for that consultant, come in and provide us with a report, provide us with a photo as well, that is a whole other topic. We are still entrenched with the design implementation on this end which is overwhelming with all specs of residential and commercial. I believe it to be a hardship on the residents for many reasons and the department was well as far as the educational component, but we are, we are developing a whole other three-ring binder for means and methods.

Commissioner Paskewich: You mentioned the town planner made a comment to you or the chairman or both and discussing a joint connection between L.I.D. with TPZ measures and the conservation commission. I would like to express that I think that is a great opportunity to keep the protocol within the status of department heads and discussion with commissions.

Chris Greenlaw: When these regs were implemented, there was a committee and it was the two respective chairs of the land use commissions, the planner, myself and Fuss & O'Neill and try to get a balance between what would that language be to write it in the regs and one thing was, you know probably, and I mean this by no sense to boast, but as far as the people with the background that actually wore the boots in the field, knowing how it was going to be constructed, you know it kind of,

looking forward, I saw that there was going to be problems, as we do with any regulation and it takes time because the technology is new as well. There was questions that you asked the consultant this evening, as far as, you know, you have bio swale and you are planting grass on it rather than leave it open and is that going to diminish the capabilities of the filtering. And these are things as they are implemented and changed, we are listening to the consultants, we are going to watch and if we find that that type of implementation where we are infusing grass on top of the bio filter, the bio swale, that it does get impregnated more leaves and sediments and it becomes a maintenance nightmare than we are going to change it. But it's that new where we don't even have the empirical data going out that many years so we have that to contend with, it is a live document that we are working with.

Commissioner Paskewich: So what I am thinking is hoping you will be talking with the town planner and be the direct communication between the commissions as we try to move forward with both commissions and leave that in your hands with the town planner. That is what my recommendation is rather than have a lot of outside parties trying to listen to something without getting facts. I am looking for facts.

Commissioner Bachand: I know everyone wants to go home, I just, one last thing. It sounds like there is a few commissioners that feel strongly about the L.I.D. I suggest that you go to those meetings and speak your mind, because the consensus is that they are and you heard it from the engineer himself and they cited the burden on the staff of the engineering department as one of the main reasons because all these residents are coming in and asking the engineering staff design this for them and that has been one of the main reasons so if there is someone here, either have a consensus here and push the chairman to go and speak for this commission at that public hearing or go individually because again, the consensus seems to be that there are going to scrap that for residential.

Chairman Zelek: Anything else. Um, vernal pools.

Commissioner Paskewich: I ah...

Chairman Zelek: How are you.

Commissioner Paskewich: Fine.

Chairman Zelek: Good.

E. New Initiative – Vernal Pools

Commissioner Paskewich: Short and brief. I made a contact email to the Vernon to look at what they have been doing with one of the consultants, Pollock. I don't find any fee structure in their documents to follow up on and in light of that the town engineer staff, Erik Hinckley, was kind enough to email me and tell me that we have, in the town engineers department, topographic maps that are current and also aerial photos that match each other that a person could come in and look at and he stated, well off record, that they even use part of an office or an outside part of the lobby to look at these documents and help with this vernal pool inventory. As far as the cost factors, I will look further into that.

Chairman Zelek: Thank you. Chris.

Chris Greenlaw: Mr. Chair, just very quickly. What I would ask is that before we engage in a contract, we send a sample of that aerial photograph to the consultant to make sure that they can deliver

on the product based on the aerials, because we all know aerials have, based on the imagery and the accuracy can be vastly different. So I would suggest sending a sample before we engage in a task or a contract that's all. Make sure they can utilize the product we have.

Commissioner Paskewich: I will communicate further with you on that.

Chris Greenlaw: Well, Erik. Erik will be on the supply end, just make sure.

Commissioner Paskewich: Erik is fine, sure. Thank you.

Chairman Zelek: Moving on to invasive plants. Catherine?

F. Invasive Plants

Commissioner Clark: I don't have anything to report.

Chairman Zelek: Thank you, next item is public participation on non-agenda items.

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

Chairman Zelek: Any member of the public wishing to speak, please come forward. Seeing none.

Commissioner Block: Motion to adjourn.

Chairman Zelek: No, communication and reports.

VII. **COMMUNICATIONS AND REPORTS**

Chairman Zelek; I've got some materials from CT Wildlife Habitat to pass out. So while Chris is doing that I will ask for a commissioner to adjourn.

VIII. **ADJOURNMENT**

Commissioner Zelek: So while Chris is doing that, I will ask for a motion to adjourn.

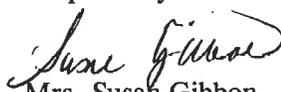
Commissioner Block: I repeat it.

Chairman Zelek: Can I get a second. Second by Commissioner Casasanta. All in favor.

Commissioners: Aye.

The meeting was adjourned 11:10 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary – Conservation Commission

