

**TOWN OF NEWINGTON
CONSERVATION COMMISSION
Tuesday, April 21, 2015
Town Hall, Conference Room L-101
7:00 p.m.
AGENDA**

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:00 p.m. in the Helen Nelson Room of the Newington Town Hall.

II. ROLL CALL

Commissioners Present

Jeffrey Zelek (Chairman)
John Igielski (Secretary)
Kathleen-Marie Clark
John Casasanta
Andreas Sadil
Tim Manke (Alternate)
Deborah Ann Krawiec (Alternate)

Also Present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes are a brief overview of the meeting held on April 21, 2015. Please refer to tapes for full transcript.)*

Prior to start of meeting Commissioner Zelek requested that the agenda order be changed. Move New Business item to VII and move Old Business to item VI.

Motion to change agenda order by Commissioner Krawiec, Second by Commissioner Manke. Unanimous vote.

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

None

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of March 17, 2015

Commissioner Clark: Page 1, No 1, Item 1. Change Gail Bridrayko to Gail Buerdjko, don't know address (global change.)

Commissioner Igielski: Page 1, item dealing with asterisks should be March not February.

Motion to accept minutes as amended by Commissioner Igielski, second by Commissioner Sadil. Unanimous vote.

V. PUBLIC HEARING

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

Chris Greenlaw: Town to hire consultant to work with all resources currently working on to implement those into the L.I.D and Storm water manual. Propose to [Town] Manager to get funding to do simultaneously with the moratorium. Complete set of rules and guidelines with consultants.

Motion to table to next meeting.

VI. OLD BUSINESS

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

Chris Greenlaw: None

B. Application 2015-06, Main Street – Town Landfill, grading and drainage work in upland review and wetland areas for mandated closure plan.

Commissioner Zelek: Myself and participants have had lengthy discussions about concerns, site walk earlier today. Concern about areas of wetlands that will be directly impacted as the grading is completed. Applicant to respond to questions and concerns brought up at last meeting.

George Andrews, Loureiro Engineering.

Capping plan: Majority of landfill consists of 24” cap, impetus of cap is to mitigate infiltration, to protect the landfill, to enhance runoff to outsides of landfill; 24” cap - 20” of select cover material and 4” of top soil. Working areas consist of pavement; which consist of 24” of cover material, 21” of bank run gravel and 3” of bituminous pavement; 4’ cap designed to mitigate running and disturbance of underlying materials.

Question re use of crown vetch: Researched and found that crown vetch is not on the CT UConn invasive plant list, identified as an invasive species in the wilderness form. More than happy to carve crown vetch out of seeding mix, the proposed mix in lieu of that would be creeping red fescue, redtop and tall fescue to be applied at 20 lbs. per acre, 2 lbs. per acre and 20 lbs. per acre respectively as an alternative to the seed mix.

Monitoring and permits: General permit for storm water discharge, dewatering waste waters and storm waters associated with construction activities; covers site from initiation to completion; permit requires monitoring and inspection as well as sampling (surface water); transition to DEEP general permit for storm water associated with industrial activities. Stewardship permit includes two surface monitoring points; quarterly monitoring.

Commissioner Zelek: One Commissioner expressed concern about monitoring, redundant to request further monitoring. Regarding the areas where the wetlands will be directly impacted, spoke at length with Chris [Greenlaw] about concerns.

Chris Greenlaw: In order to satisfy permits DEEP requires certain caps and 3 to 1 sloping. Protective cover needs to be easily maintainable by staff and DEEP requirement. Large equipment needed to attain slope, remove channels, erosion, etc., some wetlands may be impacted to attain the 3 to 1 slope.

Commissioner Zelek: Slopes at landfill now are very steep, probably to 2 to 1.

Chris Greenlaw: There are slopes that are 2 to 1, 1 ½ to 1 and steeper. This has got to be something that is put in to reduce erosion. Extensive amount of earth work required to make more uniform grade.

Commissioner Clark: Not familiar with fescue, remove crown vetch from same mix that you started with?

George Andrews: Yes. Recommendation from 2002 guidelines. Seed mix No. 2. Crown vetch incredible erosion protector. Tall fescue roots to 3 ½ feet, needed for stabilization. Enhancing tall fescue makes up for elimination of crown vetch

Commissioner Clark: Most recent seed mix available is 2002, nothing more recent? Working with ecologist that is in with fescue that is more attractive to wildlife, that's leaving something behind but still stabilizes soil but can support insects and birds.

George Andrews: Some difficulties with landfills is that you want to keep grass tight to surface so you can do required inspections. Execute mowing prior to monitoring.

Commissioner Clark: Pedestrian traffic on cap?

Commissioner Zelek: Good time for Chris Greenlaw to discuss traffic flow, re vehicles pulling in to drop off.

Chris Greenlaw: As part of review and for safety issues, recommendation to one way traffic flow: Get people off of Main Street onto the landfill property. DEEP agreed with modifications to one way traffic flow. No change to watershed areas.

Commissioner Zelek: Chris [Greenlaw] is application complete?

Chris Greenlaw: Yes, with design changes, certain conditions and approvals for TPZ.

Commissioner Clark: Still have fescue as invasive plant. Any alternatives?

Chris Greenlaw: Additional condition to current seed mix as vegetative cover is to provide alternative seed mix.

George Andrews: Not recognized by invasive species workgroup or the University of CT. By invasive it may be suggesting that it is not native to CT.

Commissioner Clark: Need to do more research.

Secretary Igielski: I make a motion that based on the evidence before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2015-06 because the proposed activities do not have a major impact or significant effect on the regulated area.

Chairman Zelek: Can I have a second? Second by Commissioner Casasanta. Unanimous vote.

Five minute recess.

Commissioner Clark: Can you tell me what is in the motion that makes them look into alternatives?

Chairman Zelek: New condition just added to motion.

Secretary Igielski: Would like to read additional conditions, including written condition.

- E. Applicants consultant will provide specifications for an alternative seed mix for vegetative cover to the Town Engineer and upon approval revised plans accordingly prior to Chairman's signature.

Commissioner Zelek: Any comments? None.

Secretary Igielski: I make a motion, that the Commission issue a permit by summary ruling for Application 2015-06 and subject to the following conditions. Motion details.

Chairman Zelek: Can I have a second? Second by Commissioner Clark. Unanimous vote.

C. Community Litter Pick-Up

Michael Fox, 1901 Main Street, Chair, Environmental Quality Commission. Clean up in conjunction with Earth Day, successful last year. Worked closely with Commissioner Krawiec and Commission in the past. Very successful clean ups at Churchill Park and Mill Pond Park last year.

Commissioner Krawiec: This year's involvement minimal. Date of clean up this year is Saturday, April 25. Feel very strongly about this, helps keep wetland areas clean, get community involved, positive PR for Conservation [Commissioners] to be seen out in the community, always good to partner with another commission on town.

Michael Fox: Chairman Zelek and Commissioner Krawiec helpful last year.

Commissioner Krawiec: All commissioners came forward last year. If you can help again this year, we would appreciate your help again this year.

Chairman Zelek: Commissioners co-sponsor event? Yes.

Michael Fox: Tomorrow is Earth Day. Plastic shopping bag free day. Use reusable bags. Not sure of cooperation from grocers and retailers regarding removing plastic bags and just using paper but it is worth a try. This is in conjunction with Senate Bill 3489 I think, which is in committee now, Senate Bill 3489 which I will be publishing on Facebook. This bill would prohibit plastic bags from stores, etc. The Environmental Quality Commission is going to send testimony to the committee at that state and maybe I can convince your commission to do the same.

Commissioner Zelek: Clean up this Saturday?

Michael Fox: Yes. Clean-up is this Saturday, 9 a.m. in Constitution Square. Which is parking lot in center. Mayor Woods to say a few words and hopefully state legislators there to welcome everybody. Commissioner Krawiec generous with time.

Problem with tape, part of statement not recorded.

Chris Greenlaw: Meeting with Town Planner, correspondence. His local pack, will be able to assist you clean up.

Michael Fox: April 25, difficult day, many other things going on. People will need to sign releases. Another thing you might be interested in, and Commissioner Krawiec was very instrumental in getting the Environmental Quality Commission started on an anti-litter ordinance. Thanks to Commissioner and engineer we have a lot of information. Starting at our next meeting we will have a subcommittee and then hopefully within six months or nine months this town will have a good anti-litter ordinance. Thank you for your attention. I won't see you on Saturday, because unfortunately I will be out of town, my wife reminded me of that after I set the date. Thank you, have a good night.

Commissioner Krawiec: With Chairman's permission I would like to get the information with the impending bill at the capital out to all with that bill number to send comments.

D. New Initiative – Vernal Pools

Commissioner Clark: On Saturday [April 25] I will be attending a 5 hour workshop on vernal pools.

E. Invasive Plants

Commissioner Clark: No information other than what came up tonight.

VII. NEW BUSINESS

A. Application 2015-07, 475 Willard Avenue - Water treatment system discharge into Piper Brook.

Chris Greenlaw: This is a unique application. I wanted this before the Commission, it is actually outside the wetlands, outside the buffer but indirectly it goes right in to Piper Brook. I think it is important for Commission to way out, understand the process. I think we are going to see more of this, it is going to be a trend with MDC. Educates us all and learn something.

Chairman Zelek: Chris Greenlaw briefed me on this. There no activity in the wetland review area, but there is activity that has a potential to impact the wetlands, so that is why we are here tonight.

Jessica Kruzcek, Zoe Beltcher and Tom Battles, all with HRP Associates.

Zoe Beltcher: Project Manager on site. HRP was retained by IR who is the current responsible party. IR purchased the site from Torrington Company who owned it. IR then sold the property to Hampshire Company who owns the property, but IR retains all responsibility for the contamination at the site. There was construction done and during construction they identified that there was a varsal release. Varsal is a kerosene like petroleum solvent. Currently there are 4 recovery wells that depress ground water and draw product in as well, the product is separated and stored into storage tanks that get pumped and taken to off site recycling and disposal. The groundwater is currently discharged to the sanitary sewer under a DEEP permit. MDC no longer wants clean remediation water, it is overfilling the capacity of the MDC treatment facilities. Trying to minimize any clean remediation water.

Jessica Kruzcek: Remediation water in general, not just from out site.

Zoe Beltcher: Conversations with DEEP regarding this, not only our site having issue with this but any sites that are going to MDC's POTW. The DOT is having to reroute their water, other facilities. Something that is becoming a massive issue. Originally the set forth in 2012, but really reinforcing in the last six to eight months. DEEP working with everyone to determine best way to dispose of water. At this point, looking at discharge to Piper Brook. Done though DEEP permit process, general permit. Piper Brook classified as a Class B surface water body through the State of Connecticut. We have overdesigned systems to meet Class A.

Commissioner Sadil: Is there still varsal in the soil, continually discharged, how did it get there in the first place.

Zoe Beltcher: No, there is no continuous discharge. All activities related to Torrington Company have stopped. Actually release mechanism we believe was through a varsal pit that was within the facility. Don't have actual amount, but we are monitoring for migration and recovery. Part of system is to maintain the product onsite to recover it.

Commission Clark: The water that will be discharged into Piper Brook, is that something you would drink?

Jessica Kruzcek: I would actually. We are meeting drinking water standards with the discharge.

Chairman Zelek: Can you brief us on the difference between Class A and Class B.

Jessica Kruzcek: Class A is everything, recreation, swimming, fishing, there is no restriction on the use of the water. Class B removes the human element; it removes recreation and possible drinking water.

Chairman Zelek: Can you state the DEEP permit number into the record?

Zoe Beltcher: The new permit has not been accepted by DEEP at this point. Need approval from the Town, although Town approval not required, just want Town to be comfortable because we do have to get construction permits in order to put in discharge lines. Don't have actual permit number until you say you are ok with it.

Jessica Kruzcek: Do have statement from DEEP saying they will approve it contingent upon Town approval. That is on record, in package submitted to Commission. Description of discharge lines into Piper Brook.

Commissioner Casasanta: Will this water have originally flowed into Piper Brook?

Jessica Kruzcek: Yes.

Commissioner Sadil: Currently goes to MDC?

Chairman Zelek: Any waters used for as well water for current residents?

Zoe Beltcher: Not aware of any residential wells in the area.

Commissioner Sadil: Why is this being done?

Zoe Beltcher: MDC doesn't want the remediation waters in their systems any more. Their feeling is if it's in the ground, why can't we put it back, so instead of putting it in to the POTW, we just put it back to the ground.

Chris Greenlaw: General permit? Is it for the discharge of waste water?

Zoe Beltcher: It is the General Permit to discharge remediation waste water to a surface water body.

Chairman Zelek: Site plan, can you describe what is there and what you proposed to do?

Jessica Kruzcek: [Description of site plan] Current pumps run intermittently with a maximum flow rate is 5 gallons per minute. Designing new system for a maximum of 28 gallons per minute which corresponds with 10% level of flow rate of Piper Brook. That is the allowable level you can discharge. Below that at absolute maximum. Have water running through multiple filtration systems to Piper Brook, including 800 lb. carbon units in series. Ran test with 20 lbs. of carbon with no detection of organic compounds as part of that test. Very protective and overdesigned. Can test water at various points throughout to test water quality. Initial testing will be a couple of times per week, cut back to weekly and then eventually once per month. Report yearly to DEEP.

Zoe Beltcher: Start up testing is stipulated in the General permit.

Jessica Kruzcek: Water leaving treatment building is essentially drinking water quality at this point. Further description of water discharge into constructed channel.

Chris Greenlaw: While talking about permit, it's within the context of the DEEP general permit to discharge industrial waste water into surface water, it's in that permit where it's requesting you get town approval. What is that town approval? It is this inland wetland commission itself? Will it satisfy that as approval?

Jessica Kruzcek: Not specific.

Zoe Beltcher: I will read you the actual statement, the actual statement says (in attachment A, copy draft permit, page 8 of 7, part 9, certification page) it states that: "I further certify that a copy of this registration has been submitted to all applicable authorities and such authorities have approved in

writing of subject discharge.” Since we are going through the wetlands, we presented this to engineering asking if the wetland commission needed to be one of those wetland authorities. We just want to make sure we don’t have any issues and make everyone happy.

Chris Greenlaw: Pursuant to subsequent approval, a chairman’s signature would satisfy that document based on this inland wetland permit.

Zoe Beltcher: Based on my understanding.

Chris Greenlaw: We have had permits before with sensitivities to wetland and we have received a letter from DEEP, taken out of context, talking about activates associated with removing by-products from their systems and the receiving waters would not be impaired. Find it interesting that as a local we need to sign off, very interesting. You do need this approval in order to obtain permit from DEEP. You might want to discuss this letter in the attachment. They are giving you a nod, you have done this before, you have exercised this type of activity in other place and chances are we are going to see more of this because MDC, they are viewing this as why do we have to treat clean when we can harnessing other clients, occupying their space.

Chairman Zelek: We are going to be seeing more of these types of applications. Do you want to see these applications in front of the commission or would you be comfortable with an agent approval from Chris with my review?

Commissioner Igielski: I think the question you ask is something that should be discussed as a different agenda item and not directly associated with this. I noticed that there is an application number, but there is no application in the packet provided to us. I wonder if this is something that our town attorney may have to become involved because there is no activity within the upland review area or the wetland, its just in that area of responsibility perhaps that anything outside the upland review area we have purview over if we feel it will potentially effect the wetland, which to me this is a good example. If the water and fluids were not treated properly and allowed to flow over into Piper Brook that is potentially an adverse impact on that, therefore an applicant would need to come before out.

Chairman Zelek: Your question for the Town Attorney would be?

Commissioner Igielski: How would an application like this, with no activity in the wetland or upland review area, but has activity that could result in adverse activity on wetlands, do we treat is as a normal permit application or are there other extenuating circumstances that should be brought into the overall review process and approval?

Chairman Zelek: Part of it too is that the applicant is required to get out approval prior to DEEP approval.

Commissioner Igielski: DEEP is requiring the town, is our approval of an application permit a way of satisfying this DEEP requirement.

Chairman Zelek: Would you be ok with verbal response from Chris or would you like it in writing?

Chris Greenlaw: Currently Mr. Chair I don’t see a question for the Town attorney based on the fact that this commission has derived that there is not going to be an adverse impact and voted against approval. If we got to that point I believe there in lies that question. Because of activities outside the regulated area would have an impact and ultimately wetlands. Giving the consideration this commission had for another application, I thought this would be a great educational experience for the commission. There is a lot to wrap our heads around, the MDC is going to be doing more of this, we have other sites in town and each of these have acquiesced and said yes, initially we are going to need some sort of approval. I did not believe I solely had the authority to approve this based on ecology. I spoke with the

Chair, there is an application, certainly we will forward that out to the commission. The chairman and I believed that we would have the commission get educated, entertain this and that's why looking forward the chairman asked you a question. As we learn more about this process, these types of process, maybe this is something we can look at if it's of the same flavor, HRP comes in again, second client this is what we are doing. Similar treatment, surface flow, DEEP, hey Chris take a look at this, digest it, that is why we are here.

Commissioner Igielski: That is why having it come to us, through the application process and orderly structure.

Commissioner Clark: I agree with Commissioner Igielski.

Commissioner Krawiec: I support Commissioner on his points.

Tom Battles: I would like to try to put everybody at ease. We are looking at 28 gallons per minute that is 40,000 gallons a day on the high side is what we are designing for. It is .05 cubic feet per second in a 24" pipe that can handle to 24 to 28 cubic feet per second. We can't even measure this until we get a significant storm amount of water. We are talking about tiny amounts of very clean water.

Commissioner Casasanta: I am reading an email regarding possibility of iron problem after start up. Any plans to address this problem?

Jessica Kruzcek: Yes, we chose a approved required option. Evaluate product that is an iron suppressant, approved by DEEP. Permit requires DEEP approval because of possible use of chemical. May be needed at start up.

Commissioner Krawiec: Is there a mechanism in place where you come back to this commission and report as to what is occurring? What is your standard protocol?

Zoe Beltcher: As this point, with all of our other sites, we are not required to send any documentation to the city or the town. All document sent to DEEP, and the are FOA. At this point not planning on sending reports to town.

Commissioner Krawiec: What other towns?

Zoe Beltcher: Waterbury, CT, Morris, CT.

Commissioner Krawiec: I understand it is safe and approved by DEEP, is it often you need to add this compound? Maybe question for town engineer? Report back to town.

Commissioner Clark: Regarding Section B, the email, at end of third paragraph, it talks about aquatic monitoring. Is that the type of kind of monitoring that will go on in the field? Is varsal unmeasurable?

Zoe Beltcher: The varsal is measured by the contaminates of concern. We measure organic compound sampling, we will do petroleum sampling per the permit. The organic compounds are really kind of trigger, to know where potential problem may be. The sampling is done quarterly and reported to the DEEP annually.

Commissioner Clark: What is that? You are taking water sampling?

Zoe Beltcher: Yes. Measure against aquatic life.

Commissioner Igielski: How long do you estimate facilities will be out there?

Zoe Beltcher: Calculations vary, so many factors, could be as much as 20 years. Long term treatment.

Chairman Zelek: Unfortunately, we cannot take any action this evening, we can take action at our next meeting. Thank you for coming and the information you provided.

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

1. John Bachand, 56 Maple Hill. Did you say that the public would have a chance to speak about that [Piper Brook]? Trash pick-up on Saturday a noble cause, unable to participate on Saturday, but hope to some day. All parks, the path behind the behind here, looks like someone did a clean up but just left the bags. Big mound of trash. At the last meeting talked about final disposition of the Toll Case. Not able to discuss at the Town Council meeting tonight, only discussion budget items. Couple of things happened at the hearing at the Hartford Superior Court, with Judge Berger on March 27th. Only people there were me and my wife, along with a Toll attorney, Wethersfield attorney and 2 attorneys for Newington. Formal proceeding, over quickly. Toll attorney seemed to be making up reason for withdrawing application. Seemed disingenuous and like they were doing us a favor. Didn't buy that, sends wrong message. Impugns the work done commission. Not really any immediate plan to buy the property. Not sure if you will have a motion for proper closures. After Judge Berger heard from attorneys, he asked me if I wanted to say something. I told him I was concerned about Toll's motives, they had a weak case, presented false and misleading testimony whether deception or incompetence, mention work by commission; and recovering attorney fees [Judge unable to answer question]. If it is lots of money, push to get fees paid. Would like to speak on Amara wetland application.

IX. COMMUNICATIONS AND REPORTS

A. Internal Rules and Procedures

Chairman Zelek: No updates.

B. Update on TPZ petition(s) – Site plan application Amara development

Chairman Zelek: This has been referred to the Town Attorney. No discussion by commission.

C. Update on TPZ discussion of HB 6851 – titled “An Act Establishing The Connecticut Transit Corridor Development Authority”

Chairman Zelek: Amended language.

Closing Comments:

Commissioner Krawiec: Applaud John Bachand for attending court hearing. Cedar Mountain is now safe. Great win on our part. I attended another town meeting and I feel that work by this commission is not understood in the community. Not here to stop economic development. Would like to have some sort of article published regarding our role, purpose.

Chairman Zelek: Meetings are open to the public. Need to be fair and equitable.

Commissioner Clark: I agree with Commissioner Krawiec regarding need to educate public on the role of this commission. Our decisions are based on legal aspects, trained by DEEP and have specific rules and a lot of that gets lost along the way.

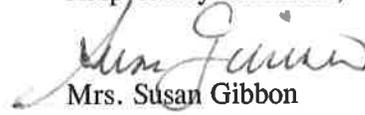
Commissioner Casasanta: Are commission members allowed back up on Cedar Mountain?

Chairman Zelek: No open applications at this time.

X. ADJOURNMENT

Chairman Zelek moved to adjourn the meeting at 9:51 p.m., motion by Commissioner Casasanta, seconded by Commissioner Block; it was unanimously voted to adjourn.

Respectfully submitted,



Mrs. Susan Gibbon

Recording Secretary - Conservation Commission