

TOWN OF NEWINGTON
CONSERVATION COMMISSION

July 15, 2014

I. CALL TO ORDER

Chairman Philip Block called the July 15, 2014 regular meeting of the Conservation Commission to order at 7:10 p.m.

II. ROLL CALL

Commission Members Present

Chairman Philip Block
Commissioner Jeffrey Zelek
Commissioner John Igielski
Commissioner Andreas Sadil
Commissioner Kathleen Clark
Commissioner John Cassasanta
Commissioner Deborah Krawiec-A

Commission Members Absent

Commissioner Ben Ancona
Commissioner Alan Paskevicch-A

Commissioner Krawiec was seated for Commissioner Ancona

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(Each speaker limited to two minutes)

Gary Bolles: Good evening, Gary Bolles, 28 Burdon Lane, Newington. In regards to the proposal to construct a new Parks and Recreation center at the corner of Cross Street and Willard Avenue, there is critical information that I want the Newington Conservation Commission members to be aware of. I'm going to give this to you by the numbers.

1. This proposal if approved would build the new Parks and Recreation center on wetlands. If you look at the Town's wetlands map, the town would be conducting activities in the actual wetlands, not just the upland review area.
2. According to the State of CT definition of a wetland, CT only requires that there be hydric soils.
3. Hydric soil is soil which is permanently or seasonally saturated by water, resulting in anaerobic conditions, as found in wetlands. (Anaerobic means involving an absence of free oxygen.)
4. By physical observation over the years and through documentation on the town level and state level, the area on which the center is to be built is definitely hydric soil.
5. Despite the town's efforts to modify the wetlands in the proposed area over the years, once a wetland always a wetland.
6. The EPA has determined that all streams and their associated wetlands need to be preserved and protected.

7. They have just recently announced a new rule that covers all associated wetlands that are connected to existing streams and other bodies of water, not just navigable waters.
8. The new rule provides vital safeguards for these wetlands.
9. We would not want to begin building or disturbing this land without all the proper state and federal permits, not to mention our own Conservation Commission.
10. Once this Commission received the referral from the Town Council, you should conduct a thorough investigation into whether the Town of Newington is acting contrary to law either through negligence, ignorance, or deliberate indifference to our existing wetlands. This is mentioned because of a previous wetlands violation and investigation that the Town of Newington was enjoined in by the federal government.

In 1994, some 20 years ago, before the town filled in this area where the soccer field are, this area was always very wet and soggy. At times, this condition exists today. That is because years ago in the late 1800's early 1900's Mill Pond and its falls were utilized for the principal industry of manufacturing barrel staves. Various parts of Newington were built on a swamp.

The towns talks about a 100 foot setback from Willard Avenue where the proposed building would be placed. Not far from the east boundary line of the proposed building we have Mill Pond itself. It doesn't take a rocket scientist to realize that this adjacent area is a 143 year old wetland. This area definitely accumulated hydric soil over those years from 1871 when Newington was incorporated.

Hydric soil is defined as soil formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions within the upper part. The saturated and anaerobic conditions do not have to be occurring at the time of examination. Similarly soils formed under these conditions that have been drained are still considered hydric soils.

In conclusion if you weren't aware of the points of information that I've just enumerated to you, now you know, and furthermore, nobody can claim that they didn't know.

I do have copies of this that I want to give to the Commission members and I thank you very much.

Chairman Block: Mr. Bolles, we have not seen or heard anything about this proposal as of yet.

Gary Bolles: I realize that, and I know that you are going to cancel your August meeting, so I wanted to be pro-active instead of re-active.

Chairman Block: I appreciate that, and what I would appreciate is if you would back up what you are providing to us tonight with whatever, you made reference to historical information that as far as I'm aware, is not going to be before the town. So I would like to have it all laid out clearly so we can relate it, if and when it comes before us.

Gary Bolles: That information, as far as 1871 being incorporated, we all know that. A lot of the information came from Betty Baxter's book....

Chairman Block: Please, let's not talk about it now, but back it up with something in writing, chapter and verse. Thank you.

John Bachand, 56 Maple Hill Avenue. I just wanted to touch on something that Gary mentioned, he said construction would be in the actual wetlands, I wanted to ask, because I've seen a few different versions of our wetland map, what is the most up-to-date version, if you can direct me to it, because the one I see on line when I go to the GIS, I click on wetlands and I zoom on that part of the park, then Gary is exactly right, where they are proposing the parking lot would actually be in wetlands, not just in the upland review, but I don't know if those maps are just updated, I know that you have been working on maps, that there was some discussion a while ago that the maps had to be updated, but just wanted to know, where is the official copy?

Chairman Block: The official copy is with Chris, and the list of amendments I presume that you would be interested in as well, so stop in at a convenient time for both of you.

John Bachand: Is that on any type of an electronic version, a PDF?

Chairman Block: Since there are changes that are being proposed to be brought before the Commission, I would say no.

John Bachand: So the maps that we are finding on line are not exactly the most up to date, which I suspected.

Chairman Block: There have been changes made through past Commission's actions which are not, to my knowledge, are not fully represented on one source, so you would have to compare the.....

John Bachand: Yeah, I remember you had that discussion before. Any idea of when that one final version will come out. I guess it's a constant moving target, so.....

Chairman Block: The allotment of time and resources makes it a little bit difficult to give a goal, we're working on it.

John Bachand: I know that you had already mentioned that you haven't seen anything on that proposed development over there, but I would suggest that at least, when it does come up, that we have the latest version of the map, or any amendments that might have been made to that part of the parcel.

Chairman Block: We will certainly do our best to be thoroughly careful. Thank you.

Roy Zartarian, 25 Stuart Street: I'll be very brief, if the Town Hall, Community Center referendum passes, you are going to have an application in front of you. I would like to urge the Commission to engage outside expertise as you did with Cedar Mountain to review the application and the construction implications and proposed mitigation measures. I certainly do not mean to impugn Chris Greenlaw's expertise or professionalism or objectivity, but I think this is a program where you really want to dot the i's and cross the t's. Hold the Town Manager to the statement that he made that is quoted in the Courant that this application will set the standard for environment diligence. Thank you.

IV. ACCEPTANCE OF MINUTES

Regular Meeting of June 17, 2014

Commissioner Sadil: Mr. Chairman, I have a correction that the date of June 17th was not at the top of the minutes. They have the time and the place, but not the date.

Chairman Block: I'm sorry, I'm not following you. Oh, there's no date.

Commissioner Sadil: Correct.

Commissioner Clark: On the second page, in the middle of the large paragraph, in the middle, it says VMP and I assume that means BMP. The paragraph starting Town Engineer Chris Greenlaw, the middle of that paragraph, it says VMP and I'm assuming that means BMP.

Commissioner Zelek: Page three, the public hearing was tabled, I don't see anything in here asking for a public comment, since this was a public hearing. So, does that require a correction, was there a request for public comment?

Chairman Block: Yes there was.

Commissioner Zelek: On page four, on your item four, Communications and Reports, it says, Commissioner Krawiec announced that on July 19th 2014, at the Extravaganza, the TPZ was looking for anyone who would like to help out, is that correct, that it was the TPZ?

Commissioner Krawiec: No, it was Michael Fox, it should read, at the Extravaganza, Michael Fox is looking for anyone.....

Commissioner Igielski: On page one, list of members present, the last two names listed are indicated as being Commissioners, in fact they are alternates and each was designated to sit in for a Commissioner who happened to be absent at that meeting.

Commissioner Krawiec: On page six, it says, Commissioner Krawiec attended last week on Friday an educational workshop that was very informative. Should be period. And then, that sentence should start with, hand outs for the Commissioners were passed out. Period. The following information was shared, and that should read, that this Commission has been charged with the protection of its natural resources. And the rest is fine.

Chairman Block: Chris, I want to just point out that the pages are not numbered, it makes it faster to go through it if they were.

Commissioner Clark: They are, you have to pull this apart

Commissioner Sadil moved to accept the minutes as read and corrected. The motion was seconded by Commissioner Clark. The vote was unanimously in favor of the motion, with seven voting YEA.

V. EXECUTIVE SESSION

Pending Litigation

Commissioner Zelek moved to adjourn to Executive Session to discuss pending litigation. The motion was seconded by Commissioner Krawiec. The vote was unanimously in favor of the motion with seven voting YEA. The Commission adjourned to Executive Session at 7:15 p.m.

The Commission returned to regular meeting at 9:12 p.m.

VI. PUBLIC HEARING

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

Chairman Block: Chris I believe a motion to table is in order.

Chris Greenlaw: Yes and to continue. Correct.

Commissioner Cassasanta moved to table Item VI, Inland Wetlands Regulations Changes to the next meeting.

Commissioner Zelek: Before we table, it is a public hearing, and we have a few things we have to do, notification from the paper, public input.....

Chairman Block: I think the agenda item is to set a public hearing, and we are delaying this... am I right.

Chris Greenlaw: Mr. Chair, let me answer the Commissioner if you will. Point of order, yes and no, yes it is a public hearing so we can ask the public for their participation on this topic, and no, we don't have to read the notification after we publish it once, this Commission in a public hearing, can make that motion to carry that forward, so order of business, I would ask you, as the Chair, to ask the public, anyone wishing to speak on this topic.....

Chairman Block: I'll ask the parliamentarian, John, did we open the public hearing at a prior meeting?

Commissioner Igielski: On or about April 18, 2014 the public hearing was opened and the notification read into the record at that time.

Chairman Block: Then we proceeded with Chris's analysis.

Chris Greenlaw: So at this time Mr. Chair, I would ask you to ask anyone from the public that would like to speak on this topic.

Chairman Block: All right, is there anyone from the public who would like to speak about continuing the public hearing?

Chris Greenlaw: Or any items that pertain to incorporating L.I.D techniques and methodologies to the regulations.

Chairman Block: Hearing none, we'll proceed with the motion to continue to the next meeting.

Commissioner Zelek moved that the public hearing for Inland Wetland Regulations Low Impact Development be tabled and carried over to the next regular session. The motion was seconded by Commissioner Cassasanta. The vote was unanimously in favor of the motion, with seven voting YEA.

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

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

Chairman Block: A I believe has already been incorporated in the prior action.

Chris Greenlaw: Mr. Chairman, I do have an update as to why we are holding that open, I've had verbal discussions with DEEP and I'm presenting them with some additional information that's been verbal, I'm going to ask for something in writing pursuant to any formal communications that they want to.....

Chairman Block: So this item will be table as well.

Commissioner Igielski: Under Old Business, Item A, in my opinion, no comment would be appropriate at this time because of the public hearing still open, and action this evening has been to carry it forward to next month's regularly scheduled meeting.

Chairman Block: So any comments made will be retracted.

B. Community Liter Pick-up

Commissioner Krawiec: We are currently involved in the Extravaganza event that is scheduled for the 19th. There is an element of Community Liter pickup involved in this event. Commissioner Clark and I have been working on this with Michael Fox and Ed Korn from Environmental Quality Commission so I'll read a couple of things and then will turn it over to you. We have a little pool area where we will be teaching the young children how to pick liter up, and a little game that we have created for them to get them accustomed to picking their liter up, and we also have an exhibit on wetlands and taking care of the environment also, and we also have a bird exhibit. Go ahead.

Chairman Block: Excuse me, what's the date of this?

Commissioner Krawiec: The 19th, Saturday and actually before I turn it over what we are looking for are some volunteers. So, Andreas I know you are away, John, you are working, Jeff, maybe you could work in the afternoon?

Commissioner Zelek: Sorry, I'm working also.

Commissioner Krawiec: Okay, Chairman?

Chairman Block: I'm going to be old out state.

Commissioner Clark: It's going to be a long day.

Commissioner Krawiec: So, Commissioner Clark and I will be there. I'll be there until 1:00.

Commissioner Clark: There's other things that are going to be there, so I'll jump over to invasive plants. I'm going to have an invasive plants display, and birds for kids to identify, and we also have t-shirts with our liter logo on there, and if anybody would like one they are for sale for ten dollars. That's the cost, that's pretty much cost of the t-shirt, but just let us know if you would like one. There's also bags that are going to be free, so if other people are going to be going, send them to our booth.

Commissioner Krawiec: I also wanted to say that Stop and Shop donated 200 reusable bags, Stew Leonards, fifty, so we will make mention about that at our booth.

Commissioner Clark: Trying to get people excited about liter.

Commissioner Krawiec: So the ten dollars spent, just so everybody knows around the room, it doesn't have a budget, but running any event we do incur some expenses, so some of the expenses are purchasing things like stickers, frogs, pick-up sticks for the liter, so that ten dollars really, the cost of the t-shirts, a couple of hundred dollars, Michael Fox picked up other bags with our logo, so again, that ten dollars, we were hoping that we could have a nice unified front, all of us wearing the t-shirts, Environmental Quality Commission, Us, included. It's cash only.

C. New Initiative – Vernal Pools

No updates.

D. Invasive Plants

Commissioner Clark: The invasive plants will be represented at the Extravaganza.

IX. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Each speaker limited to two minutes

None

X. COMMUNICATIONS AND REPORTS

Chris Greenlaw: Mr. Chair, only the magazine and the latest edition of the Habitat I have here.

Chairman Block: Just bring it back so I can read it.

Commissioner Igielski: Mr. Chairman, in the past, the Commission has been provided multiple copies of the Habitat. Has that been changed?

Chairman Block: Can we ask for more subscriptions? Chris, can you pass that back to the DEEP?

Commissioner Igielski: In the past, each Commissioner was able to have a copy.

XI. ADJOURNMENT

Commissioner Sadil moved to adjourn the meeting. The motion was seconded by Commission Cassasanta. The meeting was adjourned at 9: 25 p.m.

Respectfully submitted,



Norine Addis,
Temporary Recording Secretary