



NEWINGTON CONSERVATION COMMISSION

Tuesday, September 20, 2016

MEETING MINUTES

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:03 p.m. in Room 101 of the Town Hall.

II. ROLL CALL

Jeffrey Zelek
Andreas Sadil
John Igielski
John Casasanta
Philip Block
Peter Manke
Alan Paskewich
Peter Arburr
John Bachand

Also present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes are a brief overview of the meeting held on September 20, 2016. Please refer to tapes for full transcript.)*

Chairman Zelek seated Commissioner Paskewich for Commissioner Clark.

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

None

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of June 21, 2016

Commissioner Igielski: On page 4, at the very bottom of the page, last line, the word “a” should be added, it should read “will not have a major impact”; on page 11, middle of the page “bean” should be replaced by “been”. That’s all I have.

Motion by Commissioner Casasanta to accept the meeting minutes as amended, seconded by Commissioner Manke. Motion passes. Commissioner Block and Commissioner Sadil abstained from voting.

V. PUBLIC HEARING

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

Chris Greenlaw: No updates at this time.

Commissioner Zelek: At prior meeting there was a question regarding the order of the public hearings with regards to updating the regulations and we were asking for clarification from the town attorney, would you like to speak on that?

Chris Greenlaw: I spoke with the town attorney verbally; I don't have anything in writing. We would like to meet prior to the next meeting to review all updates to the regs and LID. At the next meeting I should have a comprehensive opinion or advisory from the town attorney.

Commissioner Zelek: The committee that was working on regulations will just put their work on hold until we get an opinion from the attorney.

VI. NEW BUSINESS

A. Application 2016-15, 39 Clifford Street – Garage and expanded driveway in the URA

Ahmad Dadi, P.E., representing Tom LaVoie. I have some updated maps to provide to you with updated dimensions for the garage and a few more contours on the south side.

Chairman Zelek: If I could please ask the applicant to use the microphone. When we are through reviewing these, do the modified plans then go on to any other commission to use?

Chris Greenlaw: Yes, perhaps the applicant's consultant will verify the other boards and commissions you will be going to. There is a statute that states Wetlands "bats first".

A. Dadi: We will be going to the ZBA and we might have to go to TP&Z also. It appears that one has a purview and something else might fall under ZBA.

Chairman Zelek: I want to make sure that any changes we make to the plans during our review get on as modifications.

A. Dadi: If you look at the plan you will be the updated plan it include a 24' x 20' garage with a 6' mudroom. This is the 100' buffer area and this is the wetlands. There is a pipe in the ground and this is an intermittent stream. We are seeking to build the garage and the mudroom in the buffer area but also seeking, the distance from the wetlands to the garage is about 18', it is within the 50' normally required by the wetlands.

Chairman Zelek: Can you show us on the map where the 18' delimiter is and where you are measuring from. That pipe is buried. Are we considering a buried pipe an intermittent water course or are we just considering where the water is discharged from that pipe?

Chris Greenlaw: Correct, the later interpretation.

Chairman Zelek: So the wetlands begin at...

A. Dadi: At the beginning of the pipe.

Chairman Zelek: Right, where the pipe terminates. You have an indicating arrow pointing to the approximate location of the intermittent water course. Can you please have your arrow point to the discharge point, just so it is clear to everyone where the wetland delineation occurs.

Commissioner Block: I may be asking the same question but in a different way. The arrow on the pipe at the word existing, are you proposing that is the inlet or the outlet of the pipe?

A. Dadi: We don't know. The town is not sure, but my guess it is coming this way.

Chris Greenlaw: The water should be exiting the pipe and day lighting at that location.

Chairman Zelek: Mr. Dadi, did you do a field inspection?

A. Dadi: Yes, I have been there 3 or 4 times.

Chairman Zelek: In your observation which way is the water flowing?

A. Dadi: There was no water when I was there. It is intermittent.

Commissioner Block: If the end of the pipe is the exit point, then the distance from the corner of the house to that exit point, isn't that the relevant measurement?

A. Dadi: Are you talking about the existing house or to the garage? Yes, it should be from the exit point.

Chairman Zelek: Mr. Dadi, I want to get it clear for the record. You are saying the corner of the garage is 18' to the outlet of the pipe.

A. Dadi: No, that would be close to 35'.

Chris Greenlaw: I am making notes of these considerations and what I will do is ask the consultant through the applicant to put these considerations on the map so they are much more clear to you.

Commissioner Sadil: Just to be clear, the 18' is that in vertical sense.

A. Dadi: Yes, it is straight. If you extend that 30' straight down to the pipe, that is 18'.

Chairman Zelek: I don't think that ways into our consideration because we really want to be concerned with the distance to the actual wetland delineation.

A. Dadi: My guess is about 32'.

Chairman Zelek: If we could have those measurements added.

Commissioner Sadil: Just to be clear, the flow is correct on this map.

A. Dadi: Yes.

Commissioner Sadil: And what comes out of that pipe is strictly runoff from the rains.

A. Dadi: Yes. Actually it goes all the way down to the road. So technically there is no further entrance water down to their property line.

Chairman Zelek: So the water flow, we said flowing right to left...

A. Dadi: Yes, east to west.

Chairman Zelek: Is flowing east to west, thank you. You have a note on here that says slope with a grade next it.

A. Dadi: Yes, the garage is going to be built on existing grade so any water on the garage and driveway will also slope south. The existing driveway is 10' wide and that will be extended to 22' at the entrance.

Commissioner Block: I have a scale here and I am showing 32 feet from the corner of the garage to the corner of the pipe.

Chairman Zelek: According to the map then, a majority of the property is in the URA. The house itself is going to be modified to two stories?

A. Dadi: Yes, but exactly on the existing foot print with a single story garage.

Commissioner Sadil: The garage currently does not exist on the property, there is new proposed two car garage, is there a one car garage currently?

A. Dadi: No.

Chairman Zelek: Is there a paved area there now?

A. Dadi: Yes. The driveway is paved.

Chairman Zelek: The entire area that you are showing for the proposed garage is currently paved?

A. Dadi: Yes.

Commissioner Block: The existing driveway is 10' according to this map.

A. Dadi: Yes, 10' existing driveway, that is paved to be expanded southward.

Chairman Zelek: Where the proposed garage is today, what is there now?

A. Dadi: Right now it is a driveway, it is a paved area.

Commissioner Block: The existing driveway you just referenced, that is approximately 15'.

A. Dadi: It expands out to 18' near the proposed garage.

Commissioner Bachand: What is the net impervious being added?

A. Dadi: Approximately 50 SF.

Chairman Zelek: Where would that impervious be added?

A. Dadi: South side of the southerly line of the existing driveway.

Chairman Zelek: The existing driveway is being widened.

Commissioner Sadil: How is the water going to be managed; is that water currently going in a southerly direction?

A. Dadi: Yes, southerly. Almost all, 90%, goes that way. There might be some going toward the road because the driveway normally slopes. So all the water will end up on the southeast side.

Commissioner Sadil: When you say the south where your pipe just disappears, what is in that area?

A. Dadi: From the property line there is a 50' lane, vacant lane. It was supposed to be at one time a street but it never....

Commissioner Block: So it is a paper street.

A. Dadi: It is not even paper.

Commissioner Block: It is an extension of Linwood Avenue.

A. Dadi: Yes, but what happened was the subdivision was done in 1924. Under the state statute if any improvements are not done within 5', the subdivision becomes void and the paper street also becomes raw land.

Commissioner Bachand: So it is town property?

A. Dadi: No, title belongs to the developers and they are not traceable. They didn't deed that portion to the town.

Chairman Zelek: How would you describe the property today?

A. Dadi: Raw land.

Chairman Zelek: Raw land, but describe its environmental condition.

A. Dadi: It is kept pretty well.

Tom Lavoie: Grass, a couple of trees were planted there.

Chairman Zelek: Woodland?

A. Dadi: No, there may be a couple of trees, but it is mostly grass.

T. Lavoie: My neighbor and I, he mows half and I mow half.

Commissioner Casasanta: For the new proposed garage, all the rainwater that is being captured by the roof leaders, that is all draining down the...

A. Dadi: It flows south and then west.

Commissioner Casasanta: Down the driveway?

A. Dadi: No, on the intermittent brook. Water would run down south. All the water flows in that direction.

Chairman Zelek: Can we have a notation on the map indicating which way the roof leaders discharge and the water flows.

Commissioner Casasanta: On the map, the proposed driveway, that is the way it is sloping.

Chairman Zelek: Some will flow to the east and some will flow to the south.

A. Dadi: The 2 corners at the southeast corner and then discharge through a scupple to the south.

Chairman Zelek: Any water running westerly or southwesterly?

A. Dadi: Not from the roof drains.

Chairman Zelek: So nothing going directly towards that open intermittent water course?

A. Dadi: No.

Commissioner Paskewich: I am looking at the roof leader diagram. The roof itself, which way does it pitch, where is the ridge line?

A. Dadi: We are going north/south, the ridge for the main house is north/south, I am looking at most likely ending up north/south, but that makes the house look bigger, so I am trying to do it east/west.

Commissioner Paskewich: The sheet flow is going to the right and left. How many leaders total?

A. Dadi: Two.

Commissioner Paskewich: The water is captured...

A. Dadi: If I do this way, then I will put the leaders on the front side of the garage, but if I do the other way, I will put the leaders to the south side and the two will join together and will discharge southward.

Commissioner Paskewich: They will join underground?

A. Dadi: No, on the surface.

Commissioner Block: The leader you are proposing on the north side of the new garage, the way you just described it, it will be discharging to the center of the driveway.

A. Dadi: I will take a gutter from there to the south corner; south east corner.

Commissioner Block: That will be going across the garage doors.

A. Dadi: Yes, and then discharge from the southeast corner.

Commissioner Block: So you will have gutter on three sides then?

A. Dadi: No.

Commissioner Sadil: To address Commissioner Blocks question. When you look at this map, you have one at each corner on the east side. I assume that water is going to flow over to the east and down the driveway towards Clifford Street.

A. Dadi: Let's look this way, suppose my ridge line is north/south. If we do that then the water will shed east/west, so I would have a leader in the back and the front, on the east side and on the west side, that will discharge, there will be two leaders down on the south side.

Commissioner Block: The northeast corner should not be draining.

A. Dadi: It will slope to the gutter to the southwest corner.

Commissioner Bachand: I assume there is a catch basin in the street so all the water is going to go into that system.

A. Dadi: I think right at the driveway

T. Lavoie: If you go on extreme path southeast.

A. Dadi: At the southeast corner, that is where Linwood started. I will show the catch basin in the revised plan.

Chairman Zelek: Chris, can you answer my question, is this pipe storm water discharge?

Chris Greenlaw: I am going to say yes, and for the benefit of the applicant's consultant, I do have an aerial. Not realizing the magnitude of questions you were going to have. I offer this to you; maybe it will help answer some of these questions.

A. Dadi: Thank you, I will make a copy and return it to you. North is towards the top. This is their lot. There is a catch basin here, a catch basin on the other side of that Linwood raw lane and on the opposite tilt. So if our garage goes here, with a pitch same as the house north/south, which is in line with this, so you have a gutter here pitched that way and a gutter here, pitched that way, this would discharge here and this would discharge there at the two south side corners of the garage.

Commissioner Sadil: With that said, in the future with this plan, more water will be discharging into the designated wetland area.

A. Dadi: No, it should be the same, because right now there is pavement under the garage. So that is impervious, same impervious area is transferred to the roof. The increase in the run off will be negligible. The only increase will be from the 50 SF of the expanded driveway.

Commissioner Paskewich: Well, except you don't really know the pitch of the roof yet, and that will change the sheet flow and the amount running into the gutters and discharging to the land, it is all relative.

A. Dadi: No, if we do it the other way, we end up with three gutters.

Commissioner Paskewich: But we don't have the pitch. The sheet flow is depending on the pitch as well.

A. Dadi: Yeah, slightly more because of the pitch. It is about 20% more.

Chairman Zelek: For clarification, you are talking about sheet flow; you are talking about the speed at which the water is flowing?

Commissioner Paskewich: The amount of quantity and speed running through the gutters can multiply the amount of water dropping into the leader.

Commissioner Igielski: I am thinking that the flat surface area equivalent of the pitched roof is the horizontal surface.

Commissioner Bachand: You can gain a little bit when you go at a peak with wind driven rain, that is it, you gain a little bit with wind driven rain.

Chairman Zelek: So there would be a little bit more running off the roof because the area of the roof is larger than the footprint on the ground.

A. Dadi: Slightly.

Commissioner Igielski: The footprint of the roof, no matter what the pitch, is still the same as the area that exists today. The same amount of water that comes down, you are going to complicate the thing if you start talking about wind driven, but under normal rain it is going to fall on the footprint of the roof or flat area that is there today, the dimensions of which will be the same. The increase of sheet flow will be from the paved driveway, new paved surface area that is being added and where it is going to flow.

Commissioner Zelek: I am going to ask Commissioner Paskewich and Commissioner Igielski to discuss this after the meeting, or at another time and then come to a consensus and come back with whether the area increases and if this is a concern.

Commissioner Bachand: The driveway is more than doubling in size, so it has to be more than 50 SF. You are going from 10' to 22'. You are gaining 400 SF right there. Water will be flowing to the street.

A. Dadi: You actually end up into the pipe.

Commissioner Paskewich: This is for the town engineer. Does the applicant have to provide computations for water discharge in an immediate construction like this?

A. Dadi: It is negligible.

Commissioner Paskewich: I am asking the engineer, he works for the town.

Chris Greenlaw: Currently the LID regulation only applies to commercial sites. The more prudent question would be, that amount of water that falls on the property that is now impervious, what is the commissions consideration as it relates to that water running across from impervious through another surface before it gets to the wetlands. I think the prudent question would be if the water falls from the sky, it falls on the driveway, what are the potential pollutants, short term during construction versus long term versus construction and what is the applicant's engineer providing as an interceptor or buffer. What is full build condition long term, what have they done to mitigate the possible pollutant that might run off with that water. The question I believe isn't so much the volume but that volume that goes toward the wetland, what are the pollutants, how are the pollutants mitigated.

A. Dadi: You have to look at two impacts. Short term and long term. You are going to have more debris during construction, but we have a silt fence, you see there, a dashed line on the west side and then turning east the entire construction area. Short term, any impact would be mitigated by the silt fence. Long term impact, according to the conservation measure that we are providing, we will stabilize and seed any disturbed area quickly, so once the grass is there, the long term area would also be minimal and the other thing, the water that flows towards the south, once it leaves the driveway, it is all grass and you have 50' that flows, the 50' is a very shallow channel that directs the water in that direction, so most of that is going to be absorbed. On the stream there will be hardly any impact, short term or long term.

Commissioner Block: I'm sorry, but that does not compute to me. I would like to understand. The diagram shows a slope from west to east down to Clifford Street, presuming the general contour on the map is elevated north dropping down to the south, so therefore anything on the existing or new driveway is going to go out to Clifford Street and the around the corner down to Linwood Avenue.

A. Dadi: No, not all of it will go to the street. The southward slope is greater than the slope of the driveway towards Clifford.

Commissioner Block: The arrow you have on the drawing should be diagonal.

Chris Greenlaw: A point of clarification may I direct at the consultant. If the water does go down the driveway, although it is not shown, if the water goes east down the driveway, it proceeds south, is there a catch basin?

A. Dadi: Yes, there is a catch basin.

Chris Greenlaw: For the benefit of the commission if you put the basin on the drawing.

A. Dadi: I will put it on, it is at the south east corner just below that.

Chairman Zelek: One way or another it will eventually end up in that intermittent waterway.

A. Dadi: Actually if you look at the easterly property line, the 50' slightly goes in the driveway, the main street goes westward about 18' and then comes out and the catch basin is there.

Commissioner Arburr: Why do you have two different reference elevations on the plan? You are assuming a zero elevation in the drive and a 1.5 elevation on the garage. Standard practice is to have one base elevation.

A. Dadi: We don't have an exact contour at the garage, all we have is on the southerly side of the garage which is 82. But the garage is also going to slope slightly, about an 1/8 inch per foot from west to east.

Commissioner Arburr: Usually what you are proposing should be the same reference that is used by the town. There are no elevations here. When you go for a building permit you have to use the town's elevation or the MDC elevation, why not use it now?

A. Dadi: It is general practice in architectural engineering. Since the garage is going to be built on an existing grade, we are putting elevations at the garage as zero and then calculate backwards towards the west at 1/8 inch per foot and what comes out at the back of the garage it comes out about 5 inches.

Commissioner Arburr: When you go for a building permit, you are going to have correct elevations.

Chairman Zelek: Before we go any further with the elevations, how does that relate to the evaluation, the impact on the wetlands? I understand it is going to be needed for them for a permit down the road, but...

Commissioner Arburr: The only point you don't know is in relation to the garage.

Chairman Zelek: In the case, I am going to ask our engineer if there is any concerns with the elevation that is indicated on the map.

Chris Greenlaw: What you have is a map that is a living document and the applicant's consultant has been discussing things with three departments. Since our last meeting, we have the elevation that was zero. This can be utilized for an architectural standard. I told the consultant that he would need to have, at a minimum, MDC contours put on here so the commission could interpret the slope. The consultant acquiesced and said yes, for the meeting I

will give you the contours on the south side of the building. If you follow on the new map, the consultant show the 82 line coming up to the southeast corner of the garage and then it proceeds south towards 81, so you can see the way it slopes away. For this commission it is ok.

A. Dadi: To satisfy, I can change, it would be slightly higher than 82 contour and the next contour is 83 down there. So that particular elevation at the front of the garage would end up at 82.5. We can start there.

Commissioner Block: I would appreciate if you would do the conversion so that all the numbers coordinate. That way the impact of the slope lines will be much clearer.

A. Dadi: Ok.

Commissioner Arburr: I have to ask the question because it is bothering me. In measuring the URA from here, we would measure perpendicular to the watercourse, right?

Chris Greenlaw: Perpendicular and radial, when the water outlets from the pipe, that is where the intermittent water course and wetland, being the same entity for the statute. You do a 100' radial. Emanating from a point you would take an arc, that is what you see on the front property and then it comes around.

Commissioner Block: The drawing shows in the upper right hand corner the arc of the limit of the upland review area, the other measurements are contained within that arc, down to the eminent point of the pipe.

Chris Greenlaw: It is a difficult thing, I'm not defending the consultant, but you have a consultant that have provided you a map at 1" equals 10', which is great for this commission, because we can make some tangible measurements. Contrary to that, we can't see the full picture, we can't see the water emanating from this pipe runs to the Willard, and then joins Schoolhouse and then works its way to Millbrook. Remember, it is a scale 1" equals 10', certain things we can see in bright light and other things are challenges because the page is not large enough for the scale.

Chairman Zelek: For the record, I want to make sure that the commission understands where the upland review area is and that there is no questions as far as the validity of the indicated line on this map. It appears as though all of the lot is within the upland review area except for the northeast corner. Any other questions before we close?

Commissioner Sadil: I want to ask about the wetland itself. You say it is intermittent, but there is always water going from that pipe in a westerly direction, Can you tell me something about that?

A. Dadi: No, I haven't seen it, I have been there within the month, at lease 3 or 4 times, I haven't seen any water.

Tom LaVoie, Owner: It is mostly wet most of the time, but there are a lot of times when it is completely, bone dry. It really depends on the amount of rain we get.

A. Dadi: Any standing water?

Commissioner Sadil: Anything living in there?

T. LaVoie: No, it is not very well cleared out, just a lot of, it just drains there, not really a creek, it's just where storm water drains out.

Commissioner Bachand: Can you confirm which way the flow is?

T. LaVoie: Yes, it definitely flows out the way it is drawn, from the pipe.

Chairman Zelek: Is there any reason for us to do a site visit? [No]. Thank you gentlemen. We will see you at the next meeting.

VII. OLD BUSINESS

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

Chris Greenlaw: No updates at this time.

B. New Initiative – Vernal Pools

Commissioner Paskewich: Nothing to report at this time.

C. Invasive Plants

No report. Commissioner Clark will report at next meeting.

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

Rose Lyons, 46 Elton Drive. It has been a while since we have been here. In the meantime have been attending the Town Hall Renovation meetings and every time I come to this commission and the TPZ I think about how I hope that when this town hall is renovated or rebuilt, that some careful consideration be given to how you present the plans you are looking at to the public. I know tonight I couldn't follow along, not that I really care about following along but when you have a public hearing it is very hard in this set up, in this room to follow what is going on. I am hoping the town engineer or the chair will have some input with the town hall reno when they get to a point where they are ready to set up some rooms. I know when you were upstairs where the transition academy was, when the town planner was at TPZ meetings, they have room for maps and all kinds of things, and this isn't conducive to presenting something to the public. Also, when the Parks & Rec. Department does work in the wetlands area, they are under special permit, is that to do clearing and things like that? I saw in the Parks & Rec minutes that they were doing some trimming of some trees and things. I was just wondering if you could just tell me if that is in effect. Thank you very much.

IX. COMMUNICATIONS AND REPORTS

A. Application 2016-13AA, 23 Burdon Lane – Deck in the URA

Chris Greenlaw: These were three applications, the first authorized to reviewed by the agent was Burden Lane. Although the area itself is quite comprehensive with conservation are and wetland area, this was an existing lot that was plateaued and manicured with grass much higher, very definitive between the grass and the wetlands below. What existed was a pool and a smaller deck and a house that was permitted and they wanted to add 5 or 6 sonatubes to extend the deck to the pool that was in close proximity already. The question was whether they could control the amount of excavation and with their plan we though it was a direct agent approval.

B. Application 2016-14AA, 85 Reservoir Road – Paving and grading in the URA

Chris Greenlaw: 85 Reservoir Road is actually Anna Reynolds School. The proposal is to extend a sidewalk that would extend from Fenn to the sidewalk that was put in last year, coincidentally the very end of the walk to be constructed by the sidewalk contractor would be parallel parking, the additional 6-8 feet of sidewalk, in a small portion of upland review. Very minimal impact of walk and handicapped ramps placed in. That upland review area is basically at the exit of the driveway at Fenn Road, there is a culvert that goes under the road, again we have a pipe where water is flowing in, intermittent watercourse, storm water, but is falls within the requirement of 100' upland review. With proper short term silk fence, etc., we felt these tasks could commence without any long term impact to the wetland.

C. Application 2013-14, 119 Deming Street – Status Report

Chairman Zelek: This is an application where this commission previously approved; at the last meeting Commissioner Arburr asked for a status, so I asked the town engineer to put this on the agenda and give us a report of the project status. This is Deming Road, the new development at the intersection of Two Road, near the Walgreens. The name of the project is Newington Ridge Preserve.

Chris Greenlaw: At the consensus of the commission we have before us Newington Ridge Preserve. This is probably the most comprehensive plan that was brought the commission that was approved for the creation of wetlands to enhance. As part of the development, wetlands years ago were approved to be filled. Anytime we entertain the filling of wetland usually 2 ½, three, five times the wetland are created. They came forth with an ecologist, a soil scientist and they proposed to do some wetland creation and restoration. They had a plan that they would tackle the invasives that were on site, but most importantly, I believe the consensus of the commission was to look at the time line and bench marks to create the wetlands and make sure meeting thresholds and earmark dates. There has been numerous email and inspections, including today. I think the most important thing to highlight is that they are currently within a window of opportunity to be creating this wetland area and planting. They are aware that they are in a planting window. The last time I corresponded with them I asked them in advance of this meeting to update the commission where they were with their project site. In the third paragraph of letter from project developer, they denote what they have

achieved so far in the creation of the wetland. They are in compliance, but they have an aggressive window to plant. What is important is not only the scheduling and sequence of operation, but I have also pointed out our conditions of approval. That is important to note. I have heard through other sources that they have hired REMA Ecological Services, pursuant to the wetland creation being installed it would be at the direction of an ecologist. When complete, we need sign off letter that the wetland and the plantings were done in accordance with the note detailing for each one of the zones the plantings for that zone. When they are done we get a letter from ecologist that states each of the zones was populate by the prescribed planting. The important thing to note is that they are currently in compliance, but they do have a window and we are watching it very closely. Very integral with other departments and their requirements that they have to satisfy. In addition to that, any plans that we have, the front sheet is signed by the chairman and there are conditions of approval. They have a lot of things, pursuant to the wetlands to be created, [condition no. 23] - upon completion of the mitigation effort, the efforts environmental ecological consultant shall provide a written certification to the town engineer that all mitigation efforts have been installed in accordance with the plans, reports and contract documents. There are certain things that they still need to satisfy, but it is an order of operations. Today, if you go out there, you would see that both of the wetland creation areas have been excavated, and REMA has allowed them to leave certain established trees and shrubs; they have not planted this area and they are directly within their window to plant, which culminates in another 10 days. The report as mentions that material was brought in that was onsite that was approved by REMA and there is other items that need to be done, but not within this window.

Commissioner Block; Are you telling us within the next 10 days or so they will be planning in the wetland zones?

Chris Greenlaw; That is what the plan prescribes.

Chairman Zelek; They are currently in compliance with the conditions of the application and the permit.

Christ Greenlaw; Right, actually, specifically to the planting. Very comprehensive plan as far as the mitigation plan for the creation of the wetland habitats. Under section 3 for plantings it dictates the planting seasons, when it can be done in the spring and what that timeline is and whether it can be done in the fall and what that timeline is and other things that can be done early winter. The bulk of the plans can be done in the spring and fall. Certainly, I will attest there has been quite a bit of communication. As we look forward we give them a window of opportunity to complete their task, if at such a time they don't complete certain things within those limits, we will have discussions with them. I have put them on notice that they have certain time lines and dates and if they have any changes, I want express written consent from the ecological consultant, and in addition brought to the attention of this commission.

Commissioner Paskewich: I walked that site a few years ago and I noticed some stock piles of material to the west. Are those still in place? They were fairly large, growing vegetation on them and around them.

Commissioner Sadil: Those are gone, I drive by there every day almost. They have that area cleaned up pretty well. I was not aware of this planting deadline.

Chairman Zelek: Our engineer has been on site, you can report to us Chris.

Chris Greenlaw: The staff has been on site twice since we spoke with you and I have been on site twice. A screener has shown up to start spreading stockpiles on the north, operations have commenced.

Commissioner Paskewich: Are there silt fences around the stockpiles or near the wetland area? I remember a body of water below one of those stockpiles.

Chris Greenlaw: The short answer is yes, the stockpiles are here to the north. The typography of the site is such that runoff would go to the southwest. This area in here delineated by the triangles is wetland, upland of that is a wall that they are currently working on to rebuild, you can see the silt fence at the basin as they work on it.

Commissioner Paskewich: The area I am referring to is the left. Where the water shows, right there. There were stockpiles there.

Commissioner Sadil: That is what I was referring to, there are stockpiles on the opposite end because they are still building over there.

Commissioner Bachand: Is this permit in danger of expiring soon or are we just concerned about getting their seeding in?

Chairman Zelek: We are discussing this at the request of Commission Arburr wanted an update and I entertained that and had it put on the agenda. They are in compliance currently, have 10 days left in the planting season.

Commissioner Bachand: I know that it dragged on for a while and they had to reapply for permits, something expired.

Chairman Zelek: At point there was a transfer of the permit from one applicant to another developer.

Commissioner Arburr: Could you just show on the plan where the topsoil material was placed.

Chris Greenlaw: Currently there is a stockpile of topsoil to the north, and that is the section there, and they are preparing that topsoil to be placed on the houses with COs and houses they are seeking COs.

Commissioner Arburr: No topsoil to be put in the mitigation area.

Chris Greenlaw: That was addressed in the letter, bullet 3 specifically. Topsoil was inspected and approved by REMA. When this is complete I am going to ask for that in writing from REMA.

Commissioner Arburr: Where is the topsoil being place in the mitigation area?

Chris Greenlaw: As part of the mitigation plan for the creation and restoration habitats, under section 2, subsections 4 and 7 speaks to the topsoil, screened on site and where it will be spread in the mitigation area.

Commissioner Arburr: Where on the plan are they going to place it in the mitigation area? Can you tell from the plan?

Chris Greenlaw: We are going to wait from REMA. When we developed these plans we were cautious to offer the developer or any ecological consultant to monitor the installation. The benefit is the designer is also the inspector and onsite ecologist. REMA should have intimate knowledge of the design intent and therefor follow through with the application. Right now I am going to leave it in the hands of the developer and their professional to satisfy that question.

Chairman Zelek: At this time I am going to ask the commissioners to review the report that has been provided by the town engineer and if you have any follow up questions they can filter them through me.

Commissioner Bachand: Anywhere they excavated they would have removed topsoil. One more observation, there is a fairly robust wetland there along the turnpike.

Chairman Zelek: Thank you Chris for that report. I want to talk about CACIWC. We have three seats available to attend, Saturday, November 12 at the Sheraton in Rocky Hill. I would like to offer to commissioners who have not been able to go. John Casasanta (yes, will attend); Peter Manke (will be on vacation); John Bachand (not sure, will let you know); Peter Arburr (will let you know). John, please work with Cindy to get registered; Commissioners Bachand and Arburr, please get back to me. It is an excellent seminar, with a lot of good information and interactions with other commissioners. It is an all day event. You don't have to stay all day, but remember we are paying for you to attend. We will add this information to a spreadsheet that we keep regarding education, training, etc. for the commissioners. Before we adjourn there was a question from the public regarding activity by the Parks & Rec Department, I believe that falls under General Permit No. 1

Chris Greenlaw: Specifically, not knowing the location, in accordance with everything we discussed here, we have a monthly public works meeting and the highway superintendent in advance of maintenance operations next to waterways, and this is minimal and minor work, if it is something more extensive where we have to hire a contractor to come in and do some waterway improvement, that has to be an application, or it is in the direction of this commission to interpret those desires and activities; but if it is minor, I have asked them as minor as it may appear to them, they are to inform at the public works meetings.

Chairman Zelek: General Permit No. 1 is invoked fairly commonly for maintenance work, is that permit posted on the engineers website or the town's website for the public to view? If not, please have it posted.

Chris Greenlaw: I don't see why we couldn't post it on the engineering website.

Chairman Zelek: I have copies of The Habitat here if anyone would like one.

X. ADJOURNMENT

Motion by Commissioner Sadil, seconded by Commissioner Block; it was unanimously voted to adjourn the meeting at 8:25 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary–Conservation Commission