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# TOWN OF NEWINGTON CONSERVATION COMMISSION MEETING MINUTES

2022 FEB - I PM 12: 15

John O Kryselo Town Clerk

January 18, 2022

This meeting was presented as a Zoom Webinar/Meeting.

## I. CALL TO ORDER

Chairman Sadil called the meeting to order at 7:00 p.m.

#### II. ROLL CALL

John Bachand

John Casasanta

Bernadette Conway

Alan Paskewich

Andreas Sadil

Also present

Erik Hinckley, Inland Wetland Agent

Susan Gibbon, Recording Secretary

Councilor Budrejko, Council Liaison

Councilor Radda, Council Liaison

Chairman Sadil: Ok, point of order, I'm going to seat Commissioner Conway for Commissioner Ancona this evening. So we have five, a quorum of five to move forward. Thank you. Item III, Public Participation on Non-Agenda Items, each speaker is limited to 2 minutes.

## III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(each speaker limited to 2 minutes)

Chairman Sadil: Mr. Hinckley, do we have anyone waiting online?

Mr. Hinckley: We do not.

Chairman Sadil: Ok, thank you. We shall proceed to Item IV, Acceptance of Minutes. Acceptance of minutes from the December 14, 2021 meeting.

#### IV. ACCEPTANCE OF MINUTES

A. Meeting Minutes (12-14-2021)

Chairman Sadil: Are there any additions or corrections from the commissioners?

Commissioner Paskewich: Yes, Chairman Sadil, Commissioner Paskewich here.

Chairman Sadil: Please go.

Commissioner Paskewich: On page 13, first paragraph, down about, oh I don't know, 12 lines or so, maybe more. It states that, for me, myself that is, "if there's a storm coming obviously it could influence more of a flood because it's been an empowerment which is

actually a dam built by a beaver." What either I meant to say or what was not clear on the recording because it's obviously been most difficult I'm sure, for you know, our recording secretary Gibbon to pick up all these things that she has done so patiently, but empowerment, actually should be impoundment, which means it's a dam built by a beaver. So an impoundment means that a body of water like a pond is impounded by several means, your natural means, but it's, you know, placement on property, and a waterfall like Mill Pond and being able to keep the impoundment in a neutral zone and not causing a flood.

Mr. Hinckley: I think we got it Alan, we're just going to change empowerment to impoundment. Correct?

Commissioner Paskewich: Yes sir, thank you.

Ms. Gibbon: I'm sorry, excuse me.

Chairman Sadil: Go ahead Ms. Gibbon.

Ms. Gibbon: What is that word?

Mr. Hinckley: Impoundment.

Ms. Gibbon: Impoundment. Ok, thank you.

Commissioner Paskewich: Want me to spell it for you Sue?

Ms. Gibbon: Yeah, please.

Commissioner Paskewich: Ok. I, M as in Mary, P as in Peter, O, U, N as in Nancy, D as in Dog, M as in Mary, E, N as in Nancy and T as in Tom.

Ms. Gibbon: Ok, thank you very much.

Commissioner Paskewich: You're more than welcome. Thank you.

Chairman Sadil: Any other corrections from Commissioners?

Commissioner Bachand: I have one Mr. Chairman, John Bachand.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: On page 12, when we were still talking about the beaver dam, about two-thirds of the way down, there's a blank and it says brook. I think it was I was asking if it was Rockhole Brook, which is the name of the brook which is in that area.

Mr. Hinckley: That is correct.

Commissioner Bachand: Just to make that...just to add that because it looks like it was inaudible.

Chairman Sadil: Thank you. Good, good. Any other corrections from commissioners?

Commissioner Paskewich: None here Chairman Sadil.

Chairman Sadil: Ok, I see no one's hand up, may I have a motion to accept the meeting minutes from the regular Newington Conservation Commission meeting from 12/14/2021 as amended?

Commissioner Bachand: I'll make the motion to accept the minutes.

Chairman Sadil: Moved by Commissioner Bachand. May I have a second?

Commissioner Paskewich: Second by Commissioner Paskewich.

Chairman Sadil: All in favor?

Commissioners: Aye.

Chairman Sadil: Opposed? Abstentions? Minutes pass unanimously five zero. Ok, moving on to Section V, New Business with Application #2022-01: Restoration Of The Upland Review Area At 249 Day Street, Applicant And Owner: 249 Day Street LLC., Contact: Peter Mirabelli.

## V. NEW BUSINESS

A. Application #2022-01: Restoration Of The Upland Review Area At 249 Day Street, Applicant And Owner:249 Day Street LLC., Contact: Peter Mirabelli.

Chairman Sadil: Is the applicant present Mr. Hinckley?

Mr. Hinckley: I believe they are and I think they have a professional here this evening. Screen sharing is available. Mr. Ludgin or Mr. Cassidy, whoever wants to speak.

Mr. Ludgin: I'm here, Bob Ludgin, representing the applicant and Mr. Mirabelli is the owner of the company and he is sitting next to me. Can you see both of us?

Mr. Hinckley: You don't have your video on, but I can hear you.

Mr. Ludgin: All right...

Chairman Sadil: Whoever's speaking, name and address for the record please. Please introduce yourself.

Mr. Ludgin: How's the video now?

Mr. Hinckley: You're there.

Mr. Ludgin: Yeah, my name is Robert F. Ludgin, L-U-D-G-I-N, and sitting to my right is Mr. Peter Mirabelli.

Mr. Hinckley: So, do you want to give a description or do you want Mr. Cassidy to go into his presentation.

Mr. Ludgin: I'll defer to our surveyor Mr. Cassidy.

Mr. Cassidy: Ok, give me one second. Hey Erik, it says I can't share my screen, can you promote me to share my screen?

Mr. Hinckley: You're supposed to be able to share your screen...

Mr. Cassidy: Are you sharing your screen right now?

Mr. Hinckley; Yep.

Mr. Cassidy: You've got to stop sharing yours. Ok, let's try. Ok. Can everybody

see my screen now?

Speakers: Yes.

Mr. Cassidy: For the record, my name is Jim Cassidy, I'm a professional engineer and principle with Hallisey, Pearson & Cassidy. I was hired by Mr. Mirabelli to basically come up with a site plan for piece of property that he recently acquired at 249 Day Street in Newington, Connecticut. The existing photo that you see before you is the existing site photo, this is basically what is out here today. The area outline in yellow is the property that we are talking about this evening. The overall property area is about 2.04 acres. Day Street is on the right hand side of the page, so north is up, so the property is situated on the east side of Day Street, to the south it's bounded by Francis Avenue, and then off to the right, or the far east, it's bounded by an existing factory building with the property owner address of 124 France Street, and then off to the north, it's bounded by another small industrial building on the north side. So, it is an industrial zoned area. You'll see an area that's cross-hatched in light blue on the far right hand side of the page, that's an area that identified as in the wetlands on your town inland wetlands map. It's basically down at the base of a slope, if you were to take a look at the town wetlands map, which I don't know if I can bring it up right now, but it actually shows that the wetland actually extends all the way across to that factory that you see to east. So, it's not really evident that there's wetlands out there, although it does show on the wetlands map. The redline that you see...

Chairman Sadil: Mr. Cassidy?

Mr. Cassidy: Yes.

Chairman Sadil: Just a quick question if I may. So, which is the wetland buffer related to Piper Brook, which is off to the right of this map, it's not shown here, correct? Piper Brook is over...

Mr. Cassidy: Yeah, Piper Brook is on the east side of the factory building that you see on this plan.

Mr. Hinckley: That's correct.

Chairman Sadil: Ok.

Mr. Cassidy: So, yes, this is a wetlands associated with Piper Brook.

Chairman Sadil: And the blue line is the limit of the wetland?

Mr. Cassidy: On this site, per the town's wetlands map. Correct.

Chairman Sadil: Ok, all right. So actually, that other building is in, technically, in the wetland area.

Mr. Cassidy: Yeah, if you give me one second, let me see if I can open up a copy of your actual town wetlands map.

Commissioner Bachand: You can see it on Sheet 1.

Mr. Cassidy: Um...yeah, this one's not going to show up well.

Chairman Sadil: Ok, I believe you.

Mr. Cassidy: Well, yeah, you're one hundred percent correct. It definitely shows. if you look at the town's wetlands map this whole building would be in the wetlands. Ok. so, the town is identifying wetlands on this side of the property. The red line on the plan indicates a hundred foot upland review from the wetlands. There is an existing paved parking lot on this site, that's already present on this site. Mr. Mirabelli recently acquired this property and the intention is to be able to store emergency vehicles for Eversource on the property. We went to ZBA, we received the variance to install a fence and at the same time, when he's preparing his site plan for the storage of these vehicles. He went in, and if you're going by the site, prior to his work, it had become dumping grounds. There were tires, there were mattresses, there was a bunch of debris, it was actually where you see this one hundred foot line, and it's actually a slope back down towards this wetlands area, so there's a bunch of debris. Mr. Mirabelli went in figuring he was doing the right thing and actually went in and tried to remove the debris and clean up the area. In doing that, what we found, is that the lighter green area is an area that he actually encroached into the one hundred foot upland review area. The encroachment consisted of about 7.250 square feet of encroachment in the one hundred foot upland review area. Again, it wasn't evident at the time what Mr. Mirabelli had done, but as part of what he's doing to move forward is to get permission from planning and zoning to store these vehicles on site, he wanted to rectify the problem. We came up with a site plan and this is just a quick overlay to the site plan that was presented and submitted to you. All we're simply looking at doing, is we're going to be utilizing the existing paved area. We've circumferenced that parking area with a fence and in addition we added some landscape islands within that parking area so the overall impervious coverage has actually been slightly reduced from what's out there today. We're going to be stripping new parking spaces within that existing paved parking area to accommodate the storage of these vehicles. It addition, all he's looking to do is to restore the area where he encroached into the upland review area. The red line, once again, is the limits of the upland review area. What I was proposing is we plant a row of mountain laurel along the edge of it to give it a demarcation between the limits of the conservations easement and the upland area. In addition to, I believe you have some recommendations from your wetlands enforcement officer, that the remaining area we go in and basically seed it with either a meadow or a wildflower mix, which we are agreeable to. In addition to, there is remnants of a driveway that come off of France Street and I believe Erik also wanted us to remove the payement and also restore that area of the wetland with a wildflower mix. So, we are not asking to construct anything new in the one hundred foot upland review area and we're not proposing to discharge any storm water other than the parking area that presently drains off towards that area. We're actually reducing the impervious coverage, so therefore reducing the amount of water running off the parking lot. All we're asking to do is to correct what was done incorrectly with the encroachment. So, that is my hopefully short presentation for tonight and I'll gladly answer any questions that you may have.

Chairman Sadil: Mr. Cassidy, I do have a question. You mentioned, how is the drainage before and after...before the improvement and after improvement. Can you tell me how does the water flow, the sheet flow go down that slope that you mentioned by that red line. Is it down sloped into the wooded area, is that basically...

Mr. Cassidy: That parking lot all drains towards the wooded area. It goes, it went through a dense forested area and we're not changing the pavement or we're leaving the pavement as it is. We are reducing the amount of pavement by putting in some islands and then some landscaping along the front of it, so the overall impervious coverage goes down by about a thousand square feet from what is present out there now.

Chairman Sadil: You mentioned something about a rip rap somewhere in your narrative. Can you discuss what that is? Is that something new, something old?

Mr. Cassidy: Yeah, so what I propose to do, presently there's just a blank edge we'll call it, an undefined edge to the edge of the bituminous pavement. What I was proposing to do is put a two-foot strip of rip rap along the edge of it, so as water flows off the paved area it's slowed down, it doesn't scour as it comes off the edge of that pavement.

Chairman Sadil: Does that run the entire length...

Mr. Cassidy: Correct.

Chairman Sadil: Can you maybe just show this, does that run the entire length of what you're showing there?

Mr. Cassidy: Yeah, it's the entire length of the parking lot.

Chairman Sadil: All right.

Mr. Hinckley: Mr. Chairman if I may. As the applicant already stated, they've also already fenced the property to there's going to be no vehicular encroachment unless somebody drives through a fence. So that will be there to stop vehicles where there was no fencing before.

Chairman Sadil: Those are the heart of my questions. Thank you. Is there anything, any questions from the commissioners at this time?

Commissioner Paskewich: Yes, Chairman Sadil, Commissioner Paskewich here. When did the encroachment come to you and who presented it to you to be here tonight? Thank you.

Mr. Hinckley: I can speak to that. I was out just doing inspections one day and I noticed some activity over in the area, I wasn't sure if they were encroaching, so I sent them a cease and desist, their attorney got right back to me within a couple of days. They didn't realize. So that is what precipitated this application this evening.

Commissioner Paskewich: Thank you for your immediate response to working on this with the applicant and that's representative of our commission staff, that he's doing his job. Thank you.

Chairman Sadil: Anyone else? Commissioner Bachand.

Commissioner Bachand: Just a comment and yeah, I would echo what Commissioner Paskewich said, good job Erik. I went by there and it's not a very egregious encroachment, especially all things considered. That's basically a paper wetland right now because you do have full improvement everywhere between that line and the actual Piper Brook but we do have to respect the line because that's what's on the map. That's all I wanted to say.

Chairman Sadil: Thank you Commissioner Bachand. Commissioner Casasanta, do you have any comments at this time.

Commissioner Casasanta: I had to get unmuted. No, actually not, I'm happy with the plans, I like the remediation that's being done. You know, it's unfortunate it happened, but in the end it looks like a win-win.

Chairman Sadil: Thank you Commissioner Casasanta. Commissioner Conway, do you have any comments or questions at this time?

Commissioner Conway: No I do not. Thank you.

Chairman Sadil: Ok good. So, I guess this concludes the discussion. Mr. Hinckley, Mr. Secretary, do we have to vote if a public hearing is necessary on this application or this isn't zoned industrial. What is the...

Mr. Hinckley: You should make, there's the motions, you should, you know, either option one which would call for the public hearing, or option two, just so everyone's clear going forward and then you can take appropriate actions next month.

Chairman Sadil: Mr. Secretary, may I have a motion on Application 2022-01: 249 Day Street for Restoration Of The Upland Review Area, Applicant And Owner: 249 Day Street LLC., Contact: Peter Mirabelli.

Commissioner Casasanta: Um...have we decided which option we'd like to go with Mr. Chairman?

Chairman Sadil: I'm in favor of no public hearing. Any discussion?

Commissioner Casasanta: Yeah, I agree. I don't think a public hearing is required on this application. I don't know what the other commissioners think.

Commissioner Bachand: I also agree. John Bachand.

Commissioner Paskewich: Yes, Commissioner Paskewich, I agree with you as well.

Chairman Sadil: Commissioner Conway?

Commissioner Conway: I concur as well.

Chairman Sadil: Ok, let's proceed with the motion Mr. Secretary.

Secretary Casasanta: Ok. MOTION: The Commission believes this activity will have no significant impact to the regulated area and that this application will not require a public hearing.

Chairman Sadil: Thank you Mr. Secretary. May I have a second?

Speaker: So moved.

Commissioner Paskewich: Second by Commissioner Paskewich.

Chairman Sadil: Thank you Commissioner Paskewich, seconded by him. Ms. Gibbon, please call the roll.

S. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes.

S. Gibbon: Commissioner Casasanta.

Commissioner Casasanta: Yes.

S. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

S. Gibbon: Commissioner Paskewich.

Commissioner Paskewich: Yes.

S. Gibbon: Chairman Sadil.

Chairman Sadil: Yes.

S. Gibbon: Five zero.

Chairman Sadil: Thank you.

Mr. Hinckley: So, this item will appear as Old Business at the next meeting for action.

Chairman Sadil: Thank you to the applicant.

Mr. Cassidy: Thank you for your time.

Mr. Ludgin: Thank you for your consideration.

Chairman Sadil: Moving on to Section VI, Old Business.

#### VI. OLD BUSINESS

Chairman Sadil: Seeing none, on to Section VII, Public Participation on Non-Agenda Items, each speaker is limited to 2 minutes.

## VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(each speaker limited to 2 minutes)

Chairman Sadil: Mr. Hinckley is there anyone on the line to speak?

Mr. Hinckley: There is not.

Chairman Sadil: All right, continuing on to Section VIII, Communications and Reports.

## VIII. COMMUNICATIONS AND REPORTS

## A. Agent Communications

Chairman Sadil: Mr. Hinckley, any agent communications this month?

Mr. Hinckley: Yes, I have a memo from the Town Engineer. Under general permit 1. I don't believe you got this in your packet because I just got it last week, I'll read it to you. The parks & grounds staff is going to be performing some maintenance along the eastern

edge of Mill Pond over the winter as have been priorly discussed. The Town of Newington plans to perform maintenance activities in the Mill Pond Park during the winter of 2022. Work is expected to be completed by May 1. Work consists of selectively removing saplings & brush along the eastern side of Mill Pond, about 500 feet of the pond perimeter to stabilize the pond bank and to improve aesthetics, access to the pond and safety. Work in the winter will reduce disturbance to the banks along the pond to facilitate removal of fallen branches and brush from the pond. Work will be performed using a mini excavator and hand equipment to protect vegetation that remains. I was out there last week with parks foreman and supervisor and we had a discussion about the plants they're going to take out and remove and the ones that are going to stay as priorly discussed. So, any questions I can answer on that or are we good?

Commissioner Bachand: Mr. Chairman.

Chairman Sadil: Go ahead Commissioner Bachand.

Commissioner Bachand: Yeah, it's been a while since we talked it Erik, so did we have an inventory of what was going to stay or go or was it kind of a discretionary thing, leaving it up to them or to you?

Mr. Hinckley: No, I was out there with them, like, you know, all the red twig dogwoods, all that wetland more friendly stuff, it's all going to stay. There's some tree of heaven along the brook that the want to take out, you know that's an invasive. There's some other things that I looked at with Mr. Tofeldt and Clay Pedigo and they know what they are going to do and all the wetland stuff that's been planted there in the past along the bank is going to stay and be trimmed to promote growth and the rest of the stuff is just going to be knocked down as much as the can – the briars and the tree of heaven and those other not so good stuff.

Commissioner Bachand; So, we're talking about the entire east side, like from the bridge to the uh...

Mr. Hinckley: Not even from the bridge, but around where the fire pit is, around, behind the pool there to the other bridge.

Commissioner Bachand: That's what I meant, the other bridge, yeah.

Mr. Hinckley: Ok, yeah.

Commissioner Bachand: Talking about the east side.

Mr. Hinckley: Correct.

Commissioner Bachand: Well, it's kind of rough, that pond is so weirdly, you know, situated, but the east side, towards the ball fields.

Mr. Hinckley: Yep. Correct.

Commissioner Bachand: So that entire length. So what would you say the percentage of what's there now will be gone?

Mr. Hinckley: They're going to cut a lot of it back. You know even...the percentage there, you know there could be up to...

Commissioner Bachand: Half of if or more?

Mr. Hinckley: Yeah, there could be about half of it, yep, removed.

Commissioner Bachand: Ok, it just gives me an idea.

Mr. Hinckley: Yeah. So you may see them out there working and not all at one time. There are days, you know, when the ponds frozen, it's easier to rake some of that stuff off that cuts and falls on there, stuff like that.

Commissioner Bachand: All right. Thank you.

Mr. Hinckley: Any other questions?

Chairman Sadil: Any other comments from the commissioners.

Mr. Hinckley: All right, I have two other items. I believe I forwarded to you all last week, the new conservation commissioner training link. It's free, so for those of you who have not taken the course of have been certified please feel free to take it, and as I've said, once you get your certificate or whatever, just send me a copy over so I can just update our records. Even if you have had the certification, if you want to retake it or retake some modules, you know, feel free. It's good going forward and by state statute you guys are going to have to have a certain amount of, you know, education each year going forward as well. And then lastly, a reminder for the Land Use Academy, that's still for...

Chairman Sadil: Excuse me real quick Mr. Hinckley. About the training, is there a limitation on the time?

Commissioner Bachand: I was gonna ask that. I was gonna ask that too. Especially for the ones who already have it, you said there's gonna be recertification. When does that actually start?

Mr. Hinckley: Well, no, what I meant is that you have to take a certain amount of classes, educational stuff, each year. It doesn't necessarily have to be this if you are already certified. There is no...you don't have to recertify as a conservation commissioner each year, I don't believe they've changed that. It's just different education stuff, so there's different seminars or stuff. I know Mr. Paskewich goes to a lot. You know when I see something I forward it along to you guys as well when I get stuff.

Chairman Sadil: Sure, but I think when we took it, me and Commissioner Bachand, there was a limitation where that link would be open. It was, you couldn't just, it was self-paced, but you had to finish within a certain time.

Mr. Hinckley: That I do not know because it just popped back out, so I haven't tested it or anything. So if anybody finds out you can let me know and I'll try and get in touch with Darcy Winter to see if she can give me anything.

Chairman Sadil: I just want to make sure nobody's surprised. We're all busy. I will recommend that for Commissioner Wagner next time, I will text him. I think he should and also Commissioner Conway, I think that's a good training to have at least. Some good factoids in that training that's helpful.

Mr. Hinckley: Right and I haven't viewed this one, so I don't know what things have changed or what they're talking about.

Commissioner Bachand: So it's on the same platform through CCSU?

Mr. Hinckley: I believe, I don't know if it's run through CCSU, but yeah, they have, they may have revised it and tweaked it, I'm not again, I didn't get a chance to read the email in depth. I just saw it come out and I felt the need to just push it out to you guys. I've been busy myself.

Commissioner Bachand: I would just offer one incentive to people who have to do it. There's some perks involved with that because you are, you become a student of CCSU and you get all this software for life, I mean, I have the full professional software packages from Microsoft and stuff that as long as you maintain the email address, you have it for life. So, it's a pretty nice perk.

Commissioner Paskewich: Thank you Commissioner Bachand. I didn't realize that, because I enjoy continuing my education on this commission, you know I have spent many hours in all aspects it. There are changes along the way as well, as you know, you spoke to, so thank you for speaking that.

Mr. Hinckley; Then also I'd like to remind you all about the Land Use Academy. It is still on and it is going to be, due to COVID, it's going to switch to a Zoom situation and we will be pushing out the links and stuff to that. We hope you can all attend and have some questions. They are usually good programs and, you know, they are going to cover a number of topics; they've already reached out to me on a few different topics, so we'll see about getting them incorporated into the program. I think that's it for now.

Commissioner Paskewich: I look forward to it, thanks Erik.

Chairman Sadil: All right, moving on to Section B, Town Council Liaison Communications.

### B. Town Council Liaisons Communications

Chairman Sadil: I see Councilor Budrejko is present. Do you have anything to report to the commission?

Councilor Budrejko: No, I don't have anything. Councilor Radda is also on the Zoom call, I don't know whether you have anything Kim.

Councilor Radda: No I don't, thanks Gail. I just want to say that as a new councilor I'm looking forward to being part of the meetings and learning from all of you. So, thank you very much.

Commissioner Paskewich: Welcome Kim Radda to our commission. Thank you.

Councilor Radda: Thank you.

Chairman Sadil: Moving on to Item C, Pond Life Research and Education.

C. Pond Life Research And Education

Chairman Sadil: Commissioner Paskewich do you have anything to report this month?

Commissioner Paskewich: Well I've got a link in with DEEP, as you probably know, and they sent me a memo today regarding a book that's out that's been publicized and offered to be taken upon a commission to buy or anyone that's involved in commissions involving conservation. The book is about the conservation of amphibians and reptiles in Connecticut, which is significant to Connecticut, which is interesting. The book has 131 color photos of species and maps and conservation solutions to amphibians and reptiles and conservation modes within the towns in Connecticut. One of the main authors which I know of and I know that I and Andreas Sadil have spoken to on meetings and putting together vernal pool recommendations from a person by the name of Michael W. Klemens, PhD, who's well know through the community of our efforts in conservation and wetlands and who I have followed for the last 30 years as well. I'm glad he's still in the picture to help with what we are doing. So if anyone is interested in this publication. Not that you need to buy it, it's \$54.95, but his email is micahelwklemens.com. He has been the person that I've been following for the last 30 years for his large community effort in what we're trying to do. That's what I have to offer tonight. Thank you.

Chairman Sadil: Thank you Commissioner Paskewich. See that our agenda for this evening is complete, may I have a motion to adjourn?

## IX. ADJOURNMENT

Motion to adjourn at 7:33 p.m. by Commissioner Bachand. Seconded by Commissioner Casasanta. Motion passed unanimously.

Respectfully submitted,

Susan Gibbon

Recording Secretary