

## CONSERVATION COMMISSION

Minutes

Thursday, July, 11, 1991

### PRESENT

R. Klattenberg, Chairman  
C. Peterson  
A. Siniscalchi  
M. Giamei  
P. Bogue  
E. Kelsey  
T. Tundermann  
C. Harris (7:26)  
E. Patton (7:38)  
J. Brawerman (7:42)

### ABSENT

G. Russo  
J. Chase  
K. Coley

### ALSO PRESENT

C. Wilcox, Staff  
J. Pearce

Chairman R. Klattenberg called the meeting to order at 7:08 p.m. in Room B-20 of the Municipal Building.

Minutes of June 13th were discussed and amended. The amendments were as follows: (changes are in bold) On page 2, item #3, the seventh sentence was changed to read "C. Harris asked about the priority ranking, and A. Siniscalchi noted that he and R. Klattenberg emphasized to the Trust representative that the Conservation Commission ranking should hold priority over any others". On page 3, end of item #5, should read "vacant lots analysis" and in item D.1. it should read "Harkness Memorial Park." On page 4, item E.1. first sentence to read "Elsie Patton to discuss this item with the Commission."; and on page 6, item H.2. change "from bottom of lakes" to "from isolated glacial blocks". All voted in favor of accepting the minutes as amended except E. Kelsey and C. Peterson who abstained.

### Officers' Reports

A. Siniscalchi - no report

R. Klattenberg - The advertisements for environmental manager have been in the Press, Courant, Boston Globe and N.Y. Times. Hilda received over 30 calls after the first day of advertising. Deadline for applications is around July 31st. P. Bogue asked if the Conservation Commission had any input into the selection process; R. Klattenberg pointed out that he is on the Selection Committee.

### Committee Reports

Natural Resource Inventory: no report

City Commission Liaison: L. Tundermann reported that they had not had a quorum at their last meeting and therefore had no report.

Open Space Preservation: A. Siniscalchi reported that he had checked into the questions brought up by the Conservation Commission regarding the TPL negotiation process; whether their report will reflect the wishes of the

Conservation Commission; whether they were necessary to provide tax benefit to the property owners; and whether they would consider other conservation options than outright purchase such as easements or purchase of development rights. He found that the tax benefits must meet rigorous tests re public benefit, price ratios, etc. and must be awarded to a 501(c)3 non-profit and not a municipality. The Trust continues to negotiate on all the parcels and it looks as if they will be successful. The final choice will go to the Common Council upon recommendation of the MDC\*(point of fact: this Council Committee is not the MDC but a councilmanic committee consisting of the Mayor, Chair of MDC, and minority leader). The Conservation Commission will be involved in the long-term stewardship and passive development of these lands. L. Tundermann asked about the timetable to which A. Siniscalchi replied that it was ambitious - they hoped to have a proposal package by the end of August to go to the Council in the early fall.

Committee

Lamentation Mountain: R. Klattenberg reported there had not been a meeting since the site walk on which about 20 people participated. They walked from north to south on the Blue Trail. Another walk on Stantack Road is tentatively planned for fall. Bill Warner is working on property lines and Geoff Colegrove on the base maps. Geoff has contacted both Meriden and CCRPA for GIS information. He noted it will be interesting to compare the regulations in all 3 towns and will have more to report in September.

Upon a motion by A. Siniscalchi, seconded by C. Peterson it was voted unanimously to move to New Business on the Agenda.

### New Business

1. Hazardous Waste Collection Day: Pauline Zvonkovic from Midstate Regional Planning Agency gave a report on the Hazardous Waste Collection Day. She passed out posters, flyers and information sheets. The basic facts about this event are:

- . Date: October 19, 1991
- . Time: 8:30 - 3:00
- . Place: DOT Maintenance Facility off Route 9
- . Wastehauler: Ladelaw Hazway Central from South Central
- . Total Budget: \$70,000 (no State funds available)
- . Middletown Share: \$30,702, ~~021~~ based on a fixed set-up and user fee
- . No latex paint will be accepted

X

- . Hazardous waste contractors or loads with inordinate amounts of waste will be asked to use local dumpsters & landfill
- . There is a need for more volunteers
- . Average cost per household is projected at \$71.61

Questions and suggestions from the Commission included concerns for better traffic control; safety equipment for volunteer waste handlers; and advertising of the costliness of the event to get more people to come that day. Pauline noted some changes from the last event (which did have State funding); remarked that it will be publicized on Comcast; and reported that she had curriculum guidelines for grades K-4 for which she received some requests from the Commission. She will contact them again in September and can be reached, herself, at 347-7214.

2. Russell Ridge Subdivision: (A. Siniscalchi and E. Patton disqualified themselves from any discussion of this item because it is presently an active item on the IWWA agenda. They left the room for the duration of the discussion). L. Tundermann presented the plans and indicated that Bill Warner had asked for the Conservation Commission's recommendations regarding open space requirements. It is a subdivision of thirty-five lots on approximately 20 acres, some of which have very steep slopes. A detention pond is planned off-site (across East Street) to handle run off. No open space is dedicated. After considerable discussion about the detention basin; detention basins on other sites and their relative levels of maintenance; the need to enforce the Soil and Erosion Control Plan and relative weight of Conservation Commission recommendations in this regard; the unresolved policy issue of whether detention basins can (or should) constitute the dedicated open space; and the possibility of asking for an open space design with this subdivision, the following motion was made by L. Tundermann and seconded by C. Peterson.

1. That open space be provided as part of the Russell Ridge subdivision; and that said open space be located within the land area being subdivided in accordance with Section 04.01.06 of the subdivision regulations. It is further recommended that lots #6, 7 and 24 be set aside as the open space to minimize severe cuts and fills and to protect the ridgetop in accordance with the objectives of 04.01.06.01.;

2. That the detention basin should not be considered as the required open space for this subdivision;

3. That the maintenance and long-term viability of the detention basin, located outside the limits of the subdivision, are of serious concern to the Conservation Commission; and

4. That the Conservation Commission have the opportunity to review any future revisions to the Russell Ridge plans.

All present voted in favor except E. Kelsey, who opposed.

The Commission took a break and reconvened at 9:12. E. Patton and A. Siniscalchi returned.

5. Aquifer Protection Program: R. Klattenberg reminded the Commission that he was in receipt of a request from the Mayor's Office for the Conservation Commission's opinion on their role in the future Aquifer Protection regulations and enforcement procedures as required by the State. For this, he had asked Elsie Patton to give a report. E. Patton gave an overview of the Aquifer Protection Area Act which requires municipalities to identify its stratified drift aquifers which supply municipal water systems servicing over 1000 people. After these areas are identified and carefully mapped (level A. mapping) the land use regulations, as developed by DEP for properties in the area, must be adopted by the municipalities and then enforced. There will be prohibitions and regulations on both current and future land uses. Agricultural uses will be handled (albeit separately) by this process. For the first time, they, too, will be subject to BMT's (Best Management Practices) but not by the same process/agency as the rest of the uses. Each municipality must select one existing agency to administer the program. The DEP guidelines are now expanding to allow other agencies to participate in an advisory capacity. This will basically be an enforcement program applying to all uses - existing and proposed - including stormwater control, (although the stormwater program is a little different from the groundwater program). Insofar as Middletown is concerned, only the aquifer contiguous to the River Road Wellfield automatically falls under these requirements. The B level mapping was done by Metcalf & Eddy for the water department; however, these are not adequate because they omit the portion of the aquifer that is under the river itself. The A level mapping will be much more detailed, have more hydrological data using viable computer models, and will show accurate boundaries of the aquifer recharge area(s). Regulations for the mapping have just been approved, and it is estimated that the level A mapping will take about 2 years. After that, it will be required that the regulations be adopted by municipalities within 6 months. M. Giamei asked which agencies in Middletown were likely to be in charge of this program. P&Z? IWWA? E. Patton indicated that towns were leaning toward either of those agencies but Middletown was also considering the Water Pollution Control Authority. She further remarked that other agencies (such as Conservation Commissions) would be welcome as advisors for the regs. She further noted that when the level A mapping was complete, Middletown may find that land use practices in Portland may affect the CT River Aquifer, and thereby impact Middletown's River Road

Wells. The State's mandatory program, will in this case, protect them since all municipalities must comply to the same regs.

L. Tundermann asked how soon the Conservation Commission must reply to the Mayor; to which the Chairman responded tht there was time since the level A mapping would take at least another year and cost at least \$100,000. Since the budgetary ramifications had not even been considered yet, there was probably even more time. E. Patton went on to explain that enforcement officers would have to be on board and trained for this job, and that DEP had found out that there were plenty of hydrological consultants available for this training. She further recommended that the Conservation Commission should be involved in the development of the regs, but not in the enforcement area. She pointed out that municipal aquifer protection regs could go beyond the DEP model regs and could include other aquifers in town. L. Tundermann asked if these would become part of the zoning regs - answer: probably. R. Klattenberg would like to see the Commission respond to the Mayor. E. Kelsey asked if the State was offering any incentives, in this case to towns who moved ahead with this program; but E. Patton noted that it was not only mandatory, but also that clear drinking water was an incentive in itself. Upon a motion by A. Siniscalchi, seconded by C. Peterson, it was voted to designate Elsie Patton to draft a memo to the Mayor which would basically state that the Conservation Commission would expect to play a leading role in the drafting of Aquifer Protection Regulations; and that it would recommend that these regulations be implemented and enforced through a different agency. The memo would be copied to Bill Warner, P&Z; Bill Baron, Water & Sewer; and the City Attorney for their comments before being sent to the Mayor. All voted in favor except E. Kelsey who opposed (No abstentions).

### Old Business

#### 1. P&Z "Fees in Lieu of Open Space"

L. Tundermann reported on a workshop he and C. Wilcox had attended sponsored by the CT Chapter of APA. He reported that the general sense of the workshop was to tread very cautiously in this area. He noted that speakers stressed the importance of having an Open Space Plan, Standards and a Maintenance Plan in place before accepting fees "in lieu". There were some conflicting opinions on how the fees could be used; the more conservative views saying for acquisition only, and others indicating development and/or maintenance of current open spaces might be allowable. Everyone admitted to the administrative nightmare of the Act, as written; and cautioned on the necessity for a separate, dedicated fund. Middletown should explore this option with P&Z staff. C. Wilcox noted that this option seemed more viable in commercial and industrial subdivisions than in residential ones. L. Tundermann emphasized that the most defensible state for using this law is

when a municipality has an open space plan and standards, and then uses the fees to fulfill the goals of that plan. Staff was instructed to talk to Planner Bill Warner, and City Attorney, Trina Solecki to see what needs to be done to implement this legislation in Middletown. Upon a motion by A. Siniscalchi, seconded by C. Peterson, it was voted unanimously to ask Prof. Terry Tondro to address this issue.

*and the City Attorney's office*

2. South Middletown Model Conservation Plan: R. Klattenberg reported that he, Bill Warner, and Geoff Colegrove would be on Comcast discussing this project. It would be aired next Thursday at 8:00 and July 18th at 7:00.

3. Mattabassett River non-point pollution study: no report; more information at the next meeting.

4. Pingo Workshop: no report; more information at the next meeting; perhaps a joint meeting with IWWA.

Correspondence: Confirmation from Terry Tondro of his availability to address the Commission had been received. The Commission expressed a need to plan the dates and issues to be addressed.

Public Forum: none

Member Forum: C. Harris commented on the regulations for mining. He felt too much topsoil was being removed, and sold, in subdivisions and would like to see this stopped. This was another question to refer to Prof. Tondo.


J. Brawerman reported she needed more "Riverwatch" volunteers especially in the Berlin portion of the Mattabassett River. Testing dates are July 24th, August 7th and August 14th.

C. Harris noted that the Cenacle was still on the aquisition agenda and the Trust for Public Land had been there.

E. Kelsey suggested that the IWWA and P&Z ban the use of the "Formosa Rose" or "living fence" from Middletown. Its growth is very dense and its spreading habits aggressive. R. Klattenberg suggested this be put on the agenda for new business in the future.

R. Klattenberg reported on the response to his letter to the Vo-Ag school on seedling plantings. He felt that their reaction was one of discomfort with the long-term commitment required; and considering the ages of their students, it may not work out.

Upon a motion by C. Peterson, seconded by A. Siniscalchi, meeting adjourned at 10:18 p.m. The vote was unanimous.

  
Cynthia G. Wilcox

CGW/lmk

Approved 8/8/91