I. **Public Hearing (7:00 P.M.)**

1. **Call to Order**

Chairman Courtland Kinnie called this public hearing of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on March 19, 2015 at 7:18 p.m.

2. **Roll Call & Determination of Quorum**

   **Present:** Courtland Kinnie, Robert Parrette, Gary Serdechny, Alternates Clarence (Pete) Merrill, Kevin Franklin, Town Planner Mario Tristany, WEO Peter Zvingilas, Recording Secretary Donna Szall

   **Absent:** Stacie Stadnicki, Edward (Jay) Waitte, Glen Norman, Lawrence Laidley, Alternate Lauren Churchill,

   **Also Present:** Atty. Eliza Heins and Atty. Caleb Hamel, Town Counsel

   C. Kinnie appointed P. Merrill to sit for G. Norman and K. Franklin to sit for J. Waitte. There was a quorum for this public hearing.

   C. Kinnie stated that for the record that any members who has missed any of the meetings for this application and this particular public hearing to listen to the recordings in order to participate in the decision process.

3. **Matter Presented for Public Comment**

   **A. CC 05-15 AMERICAN INDUSTRIES, 630 PLAINFIELD ROAD, GRISWOLD, CT** Requesting approval for memorializing existing uses on the property located at 630 Plainfield Road, Griswold, CT for both industrial and residential uses, establishing a base line for activities which exist and/or are ongoing in regulated wetlands or watercourses and/or upland review areas adjacent to wetlands and watercourses; and to grant permits for those regulated activities which are deemed to have been instituted subsequent to the adoption of inland wetlands and watercourses regulations in the Town of Griswold and to institute erosion and sediment control measures in locations deemed warranted by the project engineer in order to prevent erosion and sedimentation into wetland and watercourses located on and adjacent to the property. Property is zoned C-2.

   C. Kinnie stated that the applicant’s representative Atty. Harry Heller sent a letter dated 3/17/15 requesting that the public hearing be continued to April 16, 2015. He asked M. Tristany to read this letter that was cc’d to Mark K. Branse, Boundaries, LLC, Pasquale Camputaro, M. Tristany, who stated that for the record, he never received this letter that was cc’d by email to for the modifications for the proposed site development and to address concerns to the residential neighbors who met with the applicant’s consultants and the town’s consultants on March 16, 2015 who agreed to changes of the revised site plan and all parties will meet to review the revised plans; and the applicant granted an extension of the statutory time period for this public hearing to April 17, 2015.

   C. Kinnie asked Town counsel if they had any comments regarding this letter concerning this public hearing. Caleb Hamel stated that he had no comments other than that the Commission can continue this public hearing and can grant the extension. C. Kinnie stated that one of the parties’ involved is present and is willing to give a brief update of the changes to the site plan.
Demian Sorrentino, Soil Scientist, Boundaries, LLC gave a brief update of the changes stating that the remediation are and the berm plan have been combined into one plan for showing a berm with a height at 136 elevation for the entire length of the berm that will run from Route 12 and Johnson Cove Road along Johnson Cove Road past the remediation area to the paved access road on the property to alleviate the noise problem experienced by the neighbors to the north of the property. He explained that the overhead utility line and underground utility lines running will be removed and CL & P (Eversource) will install a utility pole and underground utility lines in advance of the permitting of the berm so all of the overhead lines and poles will be removed.

D. Sorrentino explained that the remediation program is the same for a proposed access road that the consulting engineers are reviewing. He stated that the residential recreation area modifications are to remove some of the beach sand and providing scour protection at the bottom where the two roads go down to the river and a structure for that storm water to migrate down to alleviate sand into the water; and installing water pans and rip rap spread aprons in several locations down there to remove the water from the road to the side; proposing a 6 inch bituminous concrete curb and a paved landing to keep water from going into the top of the waterslide. These changes were submitted to the town consultants for their comments today. He stated that mutually agreed upon plans by all the consultants will be submitted to the resident abutters for their approval and then the plans will be submitted to the Commission.

C. Kinnie asked if there is any greater encroachment to the wetlands. D. Sorrentino stated there is no proposal to fill any wetlands and there is 4,950 sq. ft. activity for removal of material: the beach sand, sediment that went down from the stockpiles and sediment from around drywell housing the pump inlet; and removal of invasive species of deeply rooted Japanese Knot Weed to a depth of ten feet (approximately 500 sq. ft of material) requested by REMA Environmental and we have agreed to do it. D. Sorrentino stated that the filling activity is going toward the wetland but not proposing any fill within the wetland.

C. Kinnie asked if there was a projected date for presentation to the Commission for review prior to the next meeting. D. Sorrentino stated that depending on the comments received, the plans will be turned around as quickly as possible.

C. Kinnie asked attorney Heller if he had comments. Harry Heller stated no, he has not been part of the technical consultants meetings but did say that this is a complex matter dealing with a lot of issues to come to a holistic solution for all the issues. C. Kinnie asked for any comments from members of the public concerning this application. He asked for comments from the members. P. Merrill asked if anyone looked at the outflow from the driveway entrance that was going across the road to the pond and the DOT catch basin on Route 12. D. Sorrentino explained that David McKay looked at this area and found that Route 12 is crowned in that area so the run off does not go direction across Route 12 to Clayville Pond but runs along the gutter to the catch basin. He stated that it is a sampling point for the storm water pollution prevention plan as a point of discharge.

C. Kinnie asked for a motion to continue this public hearing. R. Parrette moved to continue this public hearing of CC 05-15 to April 16, 2015 at 7 pm in the town hall meeting room. G. Serdechny seconded the motion. All were in favor. The motion was carried.

II. REGULAR MEETING (7:30 P.M.)

1. Call to Order

Chairman C. Kinnie called this regular meeting of the Griswold Inland Wetlands & Watercourses Conservation Commission to order on March 19, 2015 at 7:41 p.m.

2. Roll Call & Determination of a Quorum

Present: Courtland Kinnie, Robert Parrette, Gary Serdechny, Clarence (Pete) Merrill, Kevin Franklin, Town Planner Mario Tristany, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Stacie Stadnicki, Edward (Jay) Waitte, Glen Norman, Lawrence Laidley, Alternate Lauren Churchill,

Also Present: Atty. Eliza Heins and Atty. Caleb Hamel, Town Counsel

C. Kinnie appointed P. Merrill to sit for G. Norman and K. Franklin to sit for J. W. There was a quorum for this public hearing.

3. Written Complaints

There were no written complaints.
4. **Approval of Minutes**

   **A. Approval of Minutes of the Regular Meeting of February 19, 2015**

   C. Kinnie asked for a motion to approve the Minutes of the February 19, 2015 minutes. R. Parrette moved to approve the minutes of February 19, 2015. G. Serdechny stated that he had a question on the APA minutes. There was discussion of this matter. C. Kinnie stated that the APA meeting minutes for the record will be discussed at the APA meeting. R. Parrette rescinded his first motion.

   **MOTION:** R. Parrette moved to approve the minutes of the Inland Wetlands meeting of February 19, 2015. G. Serdechny seconded the motion. All were in favor. The motion was carried.

5. **Applications**

   **A. CC 05-15 AMERICAN INDUSTRIES, 630 PLAINFIELD ROAD, GRISWOLD, CT** Requesting approval for memorializing existing uses on the property located at 630 Plainfield Road, Griswold, CT for both industrial and residential uses, establishing a base line for activities which exist and/or are ongoing in regulated wetlands or watercourses and/or upland review areas adjacent to wetlands and watercourses; and to grant permits for those regulated activities which are deemed to have been instituted subsequent to the adoption of inland wetlands and watercourses regulations in the Town of Griswold and to institute erosion and sediment control measures in locations deemed warranted by the project engineer in order to prevent erosion and sedimentation into wetland and watercourses located on and adjacent to the property. Property is zoned C-2.

   C. Kinnie stated that the public hearing for this application was continued and asked for a motion to table to the next regular meeting.

   **MOTION:** R. Parrette moved to table CC 05-15 to the April 16, 2015 regular meeting. P. Merrill seconded the motion all were in favor. The motion was carried.

6. **Additional Business (New Applications)**

   **A. CC 08-15 CADDLE, JANET & WILLIAM, PROPERTY AT 125 MACKIN DRIVE, GRISWOLD.** Requesting approval for residential activity within a wetlands/watercourse to cross the wetland spanning the entire lot frontage at its narrowest point, with a 12 ft. wide driveway by installing 12” RCP culvert pipe with two concrete flared ends to maintain existing hydrology; and filling 620 sq. of inland wetlands and establishing acceptable side slopes. Other regulated activities within the 75 ft. upland review area include land clearing, grading, and installation of the driveway, septic system and foot drain outlet pipe in order to construct a single family residence. Property is zoned R-60.

   C. Kinnie asked if there was someone to represent the applicant. Demian Sorrentino, Soil Scientist, Boundaries, LLC was present to represent the applicant. He explained that this existing lot of record on Mackin Drive, a private road where there is a small area of wetlands. He stated that the soils in this area are moderately well draining soils. He explained that the receipt of surface water from the road itself is the cause of this wetland depression on the North side of Mackin Drive. He stated that this surface flow cannot escape to the pond which collects surface water and an abutters footing drain and storm events.

   D. Sorrentino stated that he delineated this area and proposed to cross this wetland at the narrowest portion and provide the minimal amount of fill to provide a cross covert to maintain back and forth flow and will be pitched to the west for flow. 12 ft wind residential driveway with a 12 inch reinforced dc concrete pipe with concrete flared ends to be 163.15 elevation on the in and 162.9 elevation on the out are the existing elevations of the wetlands at ground level; there will be 620 square feet of fill to the wetlands to install the cross culvert with adequate cover over the pipe with side slopes down to it. He explained that there is no reasonable alternative to utilize this property. He explained the proposed house, the setbacks, the deep test pits and he read the approval letter from Uncas Health dated, March 4, 2015 for the septic system providing comments that the surveyor or engineer stakeout the house and septic locations and establish proper grades prior to constructions.

   C. Kinnie appointed R. Parrette as secretary pro tem.
D. Sorrentino explained that this is a raised ranch with a garage and a basement level after that; the basement level to the house that is a foot higher and partially exposed out of the ground. He stated that the upper level finish floor elevation 178.5 will carry across over the garage. He stated that the basement elevation 169.5, the garage is 168.5 and 25 foot separating distance for the 1000 gallon septic system and 1 foot high concrete galleries at 166.7 elevations. He stated that the separation of the septic system to the wetland is 34 feet as acceptable by the Public Health Code.

D. Sorrentino explained that the volume of fill proposed for the inland wetlands is 33 cubic yards and the regulated activity in the upland review area for grading and cover of the septic system is 530 cubic yards. He stated that we are willing to host a site walk for the commission to look at the wetlands at the road. He stated that we paid the public hearing fees and would like it refunded if no public hearing is required. R. Parrette asked what was going in the wetland. D. Sorrentino stated that it was mature trees and water stained leaves. You can walk through it at any time.

P. Zvingilas stated he looked at the wetland which is basically a retention area and is very shallow and the upland goes up five or six feet and a cross culvert would only be needed for the driveway for the least amount of disturbance. G. Serdechny asked if water stands in this wetland. D. Sorrentino stated at some points, yes; but water remains for a while after a storm event; it is not seasonal. G. Serdechny asked how many square feet is there of the wetlands to determine the percentage of the wetland being filled. D. Sorrentino stated that he did not do that calculation. G. Serdechny stated that this area is allowing water to seep into the ground and taking water from the outland. D. Sorrentino stated that it is approximately 25 percent but that the wetlands continues down the road from this property; and that he cannot delineate on someone else’s property. P. Merrill asked if the house was before or after the house gets surrounded by water every spring. P. Zvingilas stated that house is on the next road.

K. Franklin asked if the southwest corner of the property was considered instead of clearing out to the wetlands and creating wetlands. D. Sorrentino stated that he did not want to disturb the mature trees since they are significant in the water uptake. M. Tristany asked D. Sorrentino to explain the lack of wetlands function in terms of habitat. D. Sorrentino stated that it is a drainage ditch and probably always was a drainage ditch; it does provide habitat and provides ground water recharge; but it is not scenic or educational or provides flood flow alteration or provide backflow. K. Franklin asked if a one foot pipe would be enough to balance it. D. Sorrentino stated yes.

C. Kinnie asked if a site walk was needed. The consensus was that a site walk or public hearing was not required. He asked for other questions for D. Sorrentino. M. Tristany stated that he received a letter from CME Associates, the consulting engineer dated March 18, 2015. That that he read for the record regarding the comments that 1) wetland proposed the culvert does not have a definable channel so the general design concept is accepted; 2) that the cross culvert be imbedded in compacted sand; 3) to reduce impacts to wetlands, the silt fence be replaced with compost filter socks installed with stake and tie method; 4) construction sequence for installation of the driveway cross culverts should be provided an note that all work to be completed between June 1 and September 30.corresponding to the ACE recommended limitations of in water work. D. Sorrentino stated that he received that letter and has no problems with CME’s recommendations.

D. Sorrentino stated that this was the first time that he has received a consultant’s recommendations before an application has been accepted by the Commission and for the commission to determine whether a consulting engineering review was needed; he was concerned about this cost conveyed to his client for the consulting engineer and no recourse for the expenditure. C. Kinnie asked staff to expound on that. M. Tristany explained that the application came in and plans sent to the consulting engineer so that they are returned in time to continue with the process and if the application is withdrawn the town would be responsible for the cost. D. Sorrentino asked if every application is referred to a consulting engineer. M. Tristany stated yes. He stated that neither he nor P. Zvingilas are engineers.

C. Hamel, town counsel, stated that it is up to the Commission to decide what is to be sent out for referral. C. Kinnie asked commission members their opinions of this matter. C. Kinnie stated that the commission should abide by what town counsel has said that the opinion of the Commission will determine if a site plan requires an engineering referral. C. Hamel explained that this is in the Fee Ordinance of the regulations which he read this for the record. C. Kinnie stated that the Commission will make the decision whether any consulting reviews are required for an application. C. Kinnie asked for comments from members about this application. G. Serdechny stated that anytime wetlands are being filled that it should get a review. There was discussion of this matter including that there are varying degrees of activity within a wetlands and different amounts of wetlands that may be affected.

C. Kinnie asked for a motion to accept and table this application.

**MOTION:** R. Parrette moved to accept and table application CC 08-15 to the regular meeting of April 16, 2015 at 7:30 pm. G. Serdechny seconded the motion. All were in favor. The motion as carried.
B. CC 09-15 TILCON CONNECTICUT, INC. 43 SIBICKY ROAD AND 176 RIXTOWN ROAD, GRISWOLD. Requesting approval of Commercial/Industrial activities within a regulated area for an earth products excavation located within the commercial/industrial upland review area

C. Kinnie asked if there was someone to represent the applicant. C. Kinnie stated that for the record that he, Courtland Kinnie and his wife were listed as abutters to the original part of Tilcon, Inc.; and he explained that it was determined for past applications that he was not considered an abutter to the parcel where they have their processing plant He stated that if the applicant or their representative objects to his remaining on the commission to state it now for the record.

Attorney Harry Heller, 736 New London Turnpike, Uncasville is representing the applicant Tilcon CT, Inc. H. Heller stated that they do not object to you hearing this applicant and have been fair and forth right in your conduct as chairman of this commission. He stated that we feel that you will act based on the evidence presented and make an informed decision. C. Kinnie stated for the record, that he will remain on the commission for the duration of this matter. Atty. C. Hamel, stated for the record, if any member of the public had objections to C. Kinnie remaining on the commission. There were no objectors from the public.

C. Kinnie asked if there was someone to represent the applicant. Attorney Harry Heller was representing the application. He explained that this site plan was to conduct upland review activities adjacent to wetlands. He explained that this was the former Semmelrock property. He explained sheet 1 of the plan showing the property east of the division line of the property. He stated that no upland review area activity on this property and sheet 1 shows Billings Brook and the 75 ft residential and 150 ft. commercial upland review areas. H. Heller explained that on Sheet 2, there is a wetlands system across Sibicky Road which shows that the activities across the road are within 150 feet of that wetlands system.

H. Heller explained that we are proposing to excavate this site in three Phases taking 484,000 cubic yards of material. He stated that the active excavation area is almost exclusively Hinckley soils. He stated that the regulations change the active acres to eight acres and the phases are 3 8 acre phases. No materials will be trucked off of this site; the 176 Rixtown Road is the industrially zoned site contains the processing and washing plant. The materials will be taken along the haul road to the processing plant so no Griswold Roads will be used to process the materials.

H. Heller explained Phase 1 where 7.8 acres will be excavated leaving Phase 3 the area up along Sibicky Road shielding the excavation from the public; and the embankment will be left in place for erosion control to protect the wetland on the other side of Sibicky Road.

H. Heller explained the soils map on sheet 3), Sheet 4 is the map showing the two parcels in question; Sheet 5 shows the phasing plans delineating the excavation and on Phases 1 and Phase 2 there is an intermediate phasing plan and a final grading plan for those phases. He stated that sediment traps will be maintained within the excavation sufficient to accommodation 134 cubic yards of sediment storage for each disturbed acre and will be cleaned out when they are 50 percent filled. A depressed area will be maintained at the lower bench of the lower excavation area to retain stormwater runoff in that area; orange posts will be kept at the top of the excavation area and 3 foot berm to protect someone from sliding down into the active excavation area.

H. Heller explained the temporary stock pile for each phase where top soil will be stripped and stockpiled with slopes not to exceed 3:1; stabilized with a perennial seed mix and retained on site until the excavation is completed and the topsoil will be replaced to stabilize the site; Phase 1 shows the final grading will result in the property sloping up 3 percent from Sibicky Road on the floor with a 194 elevation banking up 2:1 into the next phase when the embankment will come out.

H. Heller explained Sheet 7 explained the intermediate phasing plan for Phase two where the haul road will be extended further into the site and will be excavating into the embankment area at the most southerly limits of the site maintaining the 150 ft. area to the riparian wetlands along Billings Brook.

H. Heller explained that this excavation does go back to the Planning and Zoning Commission every two years and must certify that they are operating in accordance with the plan that no more than 8 acres are disturbed at any one time. He stated that this excavation will last between 5 and 10 years. He explained sheet 8 the finagling grading plan for Phase 2 where the floor is 196 elevation and sloping out further to the south and southeast. He explained the final Phase 3 along Sibicky Road for the embankment to be worked from the interior of the excavation to reduce erosion onto Sibicky Road in a significant storm. The exterior slope will have minimal disturbance during the entire excavation. He stated that the standard erosion controls and silt fence and sediment traps in each phase.

H. Heller explained Sheet 10 showing the final grading plan showing a fairly flat site with 3 percent grade to be suitable for residential uses within the R 80 zone. He explained Sheet 12 showing two typical conforming residential lots that are
limited by frontage not by acreage for the end use of this property. He explained Sheet 11 is a cross section through three sections across the site, the amount of material to be take out for the excavation; going from the 278 elevation to the 190 elevation. He stated that when this is all done there are matching grades to the exterior. He stated that this excavation can occur without any impacts to inland wetlands and watercourses associated with Billings Brook or the wetlands across Sibicky Road.

H. Heller asked for questions. R. Parrette asked if silt fence will be used along the whole brook at the 150 ft. mark. H. Heller stated that when the excavation gets to the exterior slope silt fence will be used. There will be no disturbed areas sloping to that area until the excavation breaks into that slope. H. Heller stated that there will be protection used for the culvert under Sibicky Road in Phase III. R. Parrette stated that the haul road cuts through Phase III. H. Heller stated yes. K. Franklin asked what the monitoring wells were for along the slope of the brook were for. H. Heller stated that he did not know and would get an answer.

K. Franklin asked if downstream of the Billings Brook have been notified. M. Tristany stated that those abutters would be notified during the Planning and Zoning hearing. There was discussion of this matter including if conservation land in that area would be affected.

P. Zvingilas stated that the height of the faces can be a issue. H. Heller stated that the face is benched. P. Zvingilas stated that the maximum height requirements should be noted somewhere on the plans. H. Heller stated that the limit is 20 or 3 feet height. C. Kinnie asked if the applicant intended to send a query to DEEP regarding the Natural Diversity Index because of the excavation’s location. H. Heller stated that the applicant can send a query to DEEP.

C. Kinnie asked members if a site walk or public hearing was needed. There was discussion of this matter. There was consensus that a site walk or public hearing was not needed. C. Kinnie stated that if anyone wanted to walk the site, to contact Attorney Heller. C. Kinnie asked for a motion.

MOTION: R. Parrette moved to accept and table the application to the next regular meeting on April 16, 2015 in the town hall meeting room. G. Serdechny seconded the motion. All were in favor. The motion was carried.

7. Reports from the Enforcement Officer

P. Zvingilas stated that Pleasant View Condominiums plans to do blasting starting Monday and that project will continue. He stated that it was straight forward. R. Parrette asked if all of the erosion and sedimentation controls are still in place. P. Zvingilas stated that now that the snow is melting, he will check it.

8. Old Business

A. Discussion of the Quiet Cove Declaration Modification in letter dated February 23, 2015 from Attorney Mark Branse regarding as a follow up to his comments of the January 15, 2015 meeting.

C. Kinnie stated that the letter from Attorney Branse lists some additional language for the Open Space Declaration so that when the Homeowner’s association comes in with an application for work on the open space property we will have language to deal with it. There was discussion of this matter. C. Kinnie asked for a motion to adopt the language as presented from Attorney Branse and sent the letter to the homeowner’s association so they have the language.

MOTION: R. Parrette moved to incorporate Attorney Branse’s recommendation to be added to the Homeowners Open Space Declaration of the Quiet Cove Subdivision.

K. Franklin asked why they were making changes to their open space declaration. C. Kinnie stated that there overlap of the conservation easements and the open space. H. Heller stated that conservation easement is in favor to the town. H. Heller stated that there was some disturbance in the upland review area or in the wetlands. C. Kinnie asked for a second. G. Serdechny seconded the motion. K. Franklin stated that there may be some vagueness or Scribner’s error. There was discussion of this matter including that the opens space wording and the conservation easement wording were identical and was inconsistent with the terms of approval.

C. Kinnie asked for the vote. All were in favor. The motion was carried. C. Kinnie asked that a copy of Attorney Branse’s letter be sent to the homeowners’ Association.
9. **New Business**

There was no new business.

10. **Communications**

A. Letter from Dept. of Energy & Environmental Protection received March 2, 2015 regarding Notice of Tentative Determination to approve an Application for Dam Safety Permit and Intent to Waive Public Hearing Application No; DS -201404996 for Glasgo Pond Dam #5801.

There was discussion of this matter of an ongoing situation with shallow wells going dry during draw downs and some have been rectified and that DEEP should look at possible tree removal due to injuries from a rope swing.


11. **Reports from Members**

There were no reports from members present. C. Kinnie welcomed K. Franklin and that his credentials will be a benefit to the Commission. K. Franklin stated that he was happy to be here.

12. **Conservation Commission Matters**

A. Discussion of activities for 2015 Earth Day

C. Kinnie stated that some of those activities hinged upon the Community Garden that L. Churchill that presented to the commission and the board of selectmen. R. Parrette stated that they liked it. M. Tristany stated that it was tabled pending insurance concerns. C. Kinnie stated that she can update us next month.

13. **Adjournment**

C. Kinnie asked for a motion to adjourn. R. Parrette motioned to adjourn. G. Serdechny seconded the motion. All were in favor. The meeting adjourned at 9:06 p.m.

III. **Aquifer Protection Agency**

1. **Call to Order**

Chair Courtland Kinnie called this regular meeting of the Aquifer Protection Agency to order on March 19, 2015 at 9:07 p.m.

2. **Roll Call & Determination of Quorum**

Present: Courtland Kinnie, Robert Parrette, Gary Serdechny, Clarence (Pete) Merrill, Kevin Franklin, Town Planner Mario Tristany, WEO Peter Zvingilas, Recording Secretary Donna Szall

Absent: Stacie Stadnicki, Edward (Jay) Waitte, Glen Norman, Lawrence Laidley, Alternate Lauren Churchill,

Also Present: Atty. Eliza Heins and Atty. Caleb Hamel, Town Counsel

C. Kinnie appointed P. Merrill to sit for G. Norman and K. Franklin to sit for J. Waitte. There was a quorum for this regular meeting.

3. **Approval of Minutes**

A. Approval of Minutes of the Regular Meeting of February 19, 2015

C. Kinnie asked for omissions or corrections. G. Serdechny stated that under the quorum that he was appointed to sit for J. Waite but that he is a member. C. Kinnie stated that he would not appoint L. Churchill to sit for C. Kinnie.

MOTION: R. Parrette moved to accept the minutes as corrected. G. Serdechny seconded the motion. All were in favor. The motion was carried.

4. **Matters Presented for Discussion**

A. APA 01-15 Pasquale Camputaro/American Industries, Inc., 630 Plainfield Road, Griswold Municipal Registration for Regulated Activities in Aquifer Protection Areas.
H. Heller was present to represent American Industries. He explained that town counsel felt that we had not address the feasible and possible alternatives test. He stated that we did not agree that it was a requirement as the registration applies to us; but we agreed without prejudice to address this issue and submitted a copy of the Pollution Prevention Assessment Supplement to the registration and should make the registration complete.

C. Kinnie stated that in letter from the State, there were extra categories to the registration. M. Tristany stated that subcategories for bituminous concrete were added; C. Kinnie stated these subsections should be under H in the registration. H. Heller stated that he had not received that letter but Boundaries may have received it. C. Kinnie stated that it does not change the scope of the registration.

H. Heller stated that we can comply with that. C. Kinnie stated that a copy should go to H. Heller and two town counsel. H. Heller stated that they would need more time because of the conditions and nothing can be moved until it is thawed. He asked that this be table to the April meeting. C. Kinnie stated that we have 180 days from date of receipt. There was discussion of this matter

C. Kinnie stated that there are changes to the Spill Prevention Plan from the first one submitted. He asked how substantial the changes were. H. Heller stated that those were the give and take with deep. He stated that an amended spill prevention plan will be submitted. He stated that the remediation is complete at the site. C.K stated that DEEP brought up the scrap metal. M. Tristany stated that the scrap metal used at American Industries is for their own use; but it is not a scrap metal business. There was discussion of this matter.

C. Hamel stated that the spill prevention plan explained that the feasible and possible. He stated that there is no case law for the feasible and possible alternatives to management practices so this is new ground and can give no guidance as an Aquifer protection agency. He stated that when there is no guidance in the law; try not to think of theoretical possible alternatives that may not be reasonable. He cautioned that if the APA goes too far in apply the feasible and possible alternatives, it may scare away potential registrants fearing strict interpretations pushed on to them; and it can potentially lead to a court appeal that can limit your power and other aquifer protection agencies in the future. C. Hamel stated that you decide what modifications can be made to this spill prevention plan and management practices, and we can tell you whether it can be defended upon appeal or something that should be shied away from. There was discussion of this matter and when the APA regulations were adopted and when the APA regulations became effective.

**MOTION:** R. Parrette moved to table this registration to the April 16, 2015 meeting at 7:30 in this room. P. Merrill seconded the motion. All were in favor. The motion was carried.

**B.** Discussion of and updates from DEEP regarding one outstanding registrant including complaints from neighbors received by DEEP Aquifer Protection Agency Program (APA Program) and any updates from Town attorney and/or registrant's attorney.

5. **Adjournment**

R. Parrette moved to adjourn. G. Serdechny seconded the motion. All were in favor. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Donna M. Szall
Recording Secretary