

CONSERVATION COMMISSION

REGULAR MEETING May 18, 2010

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Pappa called the roll call at 7:00 p.m. and noted Commissioners Block, Byer, Forte and Igielski were present. Also present were Alternates Harlow and Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Pappa designated that Alternate Harlow would vote Commissioner Shapiro and Alternate Turgeon would vote for Commissioner Longo.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of February 16, 2010

Commissioner Igielski noted on Page 3 that two (2) references to (Application 2010-01) should read Application 2009-14.

Mr. Ferraro noted in the middle of Page 3, the remark by him should read "Mr. Ferraro noted that the November 17, 2009....at it's (its') last month's....next week's meeting".

Motion made by Commissioner Block to accept the minutes as corrected and was seconded by Commissioner Igielski. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Byer and Harlow) and the motion was carried.

Regular Meeting of March 16, 2010

Commissioner Igielski noted on Page 4 the time of the meeting adjournment was 7:40 p.m. not 7:25 p.m. as noted in the minutes.

Motion made by Commissioner Block to accept the minutes as corrected and was seconded by Commissioner Igielski. There was no discussion. Vote was 4 yes, 0 no, 3 abstentions (Byer, Forte and Pappa) and the motion is carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

Application 2010-02 for 49 Willard Avenue

Mr. Anthony Ferraro, Town Engineer, speaking for the applicant entered the following remarks into the record:

- A. The property is a rear lot on Willard Avenue opposite Shepard Drive.
- B. The proposal is to construct a 40 foot by 20 foot garage.
- C. The yellow line on the plan represents the limits of the 100 foot upland review area.
- D. The garage would lie within the upland review area.
- E. A portion of the garage would extend into an existing conservation easement.

Commissioner Block asked the following questions:

- A. Why was the garage location selected that is shown on the plan? Mr. Anthony Pina, the applicant, responded because there is little room between the house and conservation easement.
- B. Why is a portion of the proposed garage extended into the conservation easement? Mr. Pina responded to have some room between the house and the garage.

Commissioner Byer asked the following questions?

- A. Where is the location of the right (north) property line? Mr. Pina referring to the plan showed the location of the property line.
- B. What are the setbacks for the lot? Mr. Ferraro responded 30 foot rear yard and 10 foot side yards.

Commissioner Block asked if there was any reason why the garage was not put in the front of the lot? Mr. Ferraro responded there was no (zone) restriction where the applicant wanted to put the garage.

Chairman Pappa asked why the (conservation) easement was put in place? Mr. Peter Arburr, Secretary and former Administrative Officer to the Commission, responded it was the policy of the Commission, at the time the permit was approved for the lot, to seek a conservation easement for any remaining wetlands on the property. The Commission subsequently removed the note "No Intrusion into the Conservation Easement without a Permit from the Commission" because property owners would come back to the Commission seeking a permit to intrude into the easement.

Commissioner Igielski suggested that the Town Engineer research the language of the easement to see if there is no restriction and submit a report to the Commission.

Commissioner Igielski noted that the Commission could not act on the application tonight (14 day requirement for the public to request a public hearing per the Regulations) and the receipt of confirmation on the easement language from the Town Attorney.

Commissioner Block noted that there appears to be no (legal) barrier. Therefore, taking into account the concept of the easement, there must a reason for putting the garage at the location shown on the plan.

Commissioner Block noted that there are alternative locations for the garage on the property (feasible and prudent alternative requirement of the Regulations).

Secretary Arburr noted that Commissioner Igielski has requested separate reports on the language of the conservation easement from the Town Engineer and Town Attorney. Does the Commission want two (2) separate reports?

There was a general discussion among Commission members. It was the consensus of Commission members to require a report only from the Town Engineer.

Commissioner Igielski requested that the Town Engineer secure a copy of the (conservation) easement and include it in next month's agenda package.

It was the consensus of Commission members to carry the item over to next month's meeting.

Mr. Ferraro explained the (permit) process to the applicant and possible ramifications to include possible delays and added cost if the garage location remains as shown on the plan (listen to audio tape for the details of his remarks).

ITEM VI

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VII

COMMUNICATIONS AND REPORTS

Commissioner Block noted that the Town Open Space Committee has met several times and is still working on trying to put together a perspective on a possible land trust. The Committee did meet with some of the parties involved in ownership of land (on Cedar Mountain). The next meeting of the Committee is May 20th.

Motion made by Alternate Block to adjourn meeting at 7:30 p.m. and was seconded by Commissioner Igielski. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning Commission

Anthony Ferraro, Town Engineer

Ben Ancona Jr., Esquire, Town Attorney

Lucy Robbins Wells Library (2)