

CONSERVATION COMMISSION

REGULAR MEETING OCTOBER 20, 2009

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 Block called the roll call at 7:02 p.m. and noted Commissioners Byer, Igielski, Pappa and Shapiro were present. Also present were Alternates Turgeon and Zelek and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for Commissioner Longo and Alternate Zelek would vote for the vacant position.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of June 16, 2009

Commissioner Igielski noted the following corrections:

- A. Page 1---middle of page, "ITEM V and ITEM IV should be interchanged".
- B. Page 5---top of page, "ITEM VI F should read ITEM VI E".

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

Special Regular Meeting October 6, 2009

Commissioner Igielski noted the following corrections:

Page 1---top of page, NOTE should read "Chairman Block designated...for Commissioner Shapiro (Byer)...for the vacant position".

Page 7---middle of page, remark by Chairman Block should read "Chairman Block suggested that the (that)...the entire Regulations."

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Byer. There was no discussion. Vote was 6 yes, 0 no, 1 abstention (Shapiro) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

Ms. Rose Lyons, 46 Elton Drive noted that in 1992 the Soil Conservation Service (federal government) completed the (Mill Brook) flood control project.

Chairman Block noted the Town last year opened the area (removed debris and brush around the culvert crossing) behind Elton Drive.

Ms. Lyons noted that residents cleaned up the stream last year. However, the area still floods. She also noted that the new phase of (senior) housing will start shortly in the area. She asked if the Commission would look into the matter?

Ms. Bernadette Conway, 177 Hartford Avenue noted that many residents in the area support the preservation of Cedar Mountain.

The Commission at the request of Commissioner Shapiro held a moment of silence for the University of Connecticut football player who died over the weekend.

ITEM VA

Application 2009-12, 549 Cedar Street, Bedrock Monitoring Wells

Mr. Patrick Haskell, representing Textron, the applicant, referring to a plan on the wall entered the following remarks into the record:

- A. This application is part of an ongoing ground water contamination study being conducted on the property per DEP.
- B. The work, which would take three (3) days, would be done at an intermittent watercourse on site at the location shown on the plan.
- C. The proposal would be to install two (2) bed rock monitoring wells at a depth of approximately forty (40) feet.
- D. Water samples would be taken from the wells as part of the study.

Chairman Block asked the following questions:

- A. Is there water in the watercourse at the present time? Mr. Haskell responded no, when he was at the site last week.

- B. Will this activity be the end of the investigation? Mr. Haskell responded that he is now reviewing with DEP on how to proceed in developing a plan to address the issue(s) emanating from the study.

ITEM VB

Connecticut Humane Society Comments Opposing Zone Change, Parcel 11-335.00A East Cedar Street

Mr. Anthony Ferraro, Town Engineer, noted that he had received a copy of a letter to the TP&Z from the applicant stating that the application for the zone change was being withdrawn.

Chairman Block noted that it appeared that the majority of the people present support the Humane Society (in its opposition to a zone change for the East Cedar Street property).

Chairman Block entered the following remarks into the record:

- A. He would allow a spokesperson to speak for the group. NOTE: more than one person was allowed to speak later in the meeting.
- B. From his perspective, it appears that the over riding concern is to maintain the Cedar Mountain vista.
- C. The applicant at the special meeting (held on October 6th) noted that the buildings (height for a residential structure) would be screened (by existing trees and vegetation).
- D. Strong measures would be taken to preserve the small pond on the site.
- E. There are competing interests as to what to do with the property.
- F. Commission is limited as to what it can do on (the administration and) enforcement of (wetland) Regulations and its advisory (role) on conservation issues.

Ms. Carol Wojtowicz, 50 Brookdale Avenue noted the Commission plays a role in protection of (the Towns) wetlands and natural resources. If the Commission would strongly oppose the (proposed) zone change and support the position that the land should be left as open space; such a position would make headway with the TP&Z.

Chairman Block noted a year or two (2) ago, the Town received money from the State to be used toward the purchase of the property. The Town could not come with the required additional funding. The money was subsequently returned back to the State.

Commissioner Pappa noted that the Humane Society offered to purchase the property, but the property owner refused to sell it.

Commissioner Pappa noted that commercial development of the property would cause significant (physical) damage to the site.

Chairman Block noted that a recent (proposal for a) commercial development for the property (if approved) would have resulted in a quarry operation (to bring the site down to grade per the plan). He noted the available options are either to approve a less intensive use of the property or raise the money to purchase it.

Alternate Zelek noted that he joined (became a member of) the Commission to provide a conservation perspective when looking at new development in town. There are openings currently on the Commission. You (the public) may want to give consideration of going through the process of seeking one of the openings to (become involved in the process and) have a forum to speak on issues.

Ms. Maureen Klett, 104 Harris Drive noted that the Commission voted last year to support the purchase of this property (when the State money was available). Why can't the Commission now try to keep it as open space?

Chairman Block noted the land is zoned for development. If the Town says the land is no longer available for development, then it (the Town) would be forced to purchase the property.

Commissioner Pappa noted the Commission looks at the administration and enforcement (activities) within the enabling legislation (where its powers are found).

Chairman Block noted the Commission is on record that if there is a way to keep it (the property) as open space, we (the Commission) would support it.

There was an additional exchange among Ms. Klett, Chairman Block and Commissioner Pappa dealing with the desire of proponents to retain the property as open space; the rights of the property owner and the responsibilities of the Commission per the enabling legislations (listen to audio tapes for details of the remarks).

Mr. Ryan Barncile, 62 Crestview Drive noted the public is not interested in the lesser of the two (2) evils (commercial use versus a residential type use); it wants the preservation of the entire mountain.

The Commission went into recess at 7:40 p.m.

The Commission came out of recess at 7:45 p.m.

The audio tape was put on at 7:50p.m.

ITEM VI A

Inland and Watercourses Regulations-Revisions to Standard Conditions

Chairman Block noted that Mr. Ferraro has provided the Commission with a proposed “Draft Copy” for Section 11.1 (Standard Conditions) of the Regulations. The Conditions were re-numbered as followed:

- A. Conditions 1 through 12 would appear in all new permit approvals (except a request for a Map Amendment).
- B. Conditions 13 through 43 would appear in all new permits where applicable by permit requirements (except for a Request for a Map Amendment).

Commissioner Igielski noted that he had reviewed Section 11.1 of the Regulations and has several comments on language to bring up for discussion. He proceeded to go over his comments on language relative to Sections 11.1.a, b and c and possible ramifications on other Sections of the Regulations (listen to audio tape for the details of his suggested changes and any discussion by Commission members). NOTE: Mr. Ferraro took notes on each comment and its disposition.

It was the consensus of Commission members to adopt the changes as agreed to and prepare a “Draft Copy of the Regulations” for next month’s meeting.

It was the consensus of Commission members to carry the item over to the November meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Motion made by Commissioner Pappa to adjourn meeting at 8:10 p.m. and was seconded by Commissioner Shapiro. 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)