

TOWN OF ESSEX
Conservation Commission

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Executive Board

*Kathleen Tucker, Chairman
Jeffrey Lovelace, Vice Chairman
Frank Hall, Secretary*

Regular Members

*Richard Helmecki
Adrienne Forrest
Robert Ward
Mark J. Reeves*

Alternate Member

Jim O'Brien

Unapproved

**Minutes Regular Meeting
Thursday, October 12, 2017 at 7:30 P.M.**

The Essex Conservation Commission conducted their regularly scheduled meeting on October 12, 2017 in Room B of the Essex Town Hall.

Attending Members

Kay Tucker
Jeffrey Lovelace
Robert Ward
Adrienne Forrest
Mark Reeves
Richard Helmecki arrived 7:36pm

Absent Members

Frank Hall
Jim O'Brien

Staff: Stella Beaudoin, Recording Secretary

Audience: There were no audience members.

1. Call to Order

K. Tucker called the meeting to order at 7:30 p.m. Seated for the meeting were K. Tucker, J Lovelace, R Helmecki, A Forrest, R Ward, M Reeves.

2. Review and Approve Regular Meeting Minutes of September 14, 2017

MOTION made by J Lovelace to approve the Minutes of the September 14, 2017 Regular Meeting with the following amendment: 1) Page 2, 2nd full paragraph "installation of French rains could prevent *another event such as the dams the beavers created on Boardwalk*"; 2) Page 5, first sentence add the following sentence: "*the DEEP was monitoring the state dam at Pequot Swamp Pond due to beaver activity in Pequot Swamp*"; **SECONDED** by R Ward; **Voting in Favor:** K. Tucker, J Lovelace, A Forrest, R Helmecki, R Ward; **Opposed:** None; **Abstaining:** M Reeves; **Approved:** 5/0/1.

Review and Approve the Special Meeting Minutes September 26, 2017

MOTION made by K Tucker to approve the Minutes of the September 26, 2017 Special Meeting with the following amendment: 1) Page 2, last paragraph under C, "*On October 12, 2017*"; **SECONDED** by J Lovelace; **Voting in Favor:** K. Tucker, J Lovelace, R Helmecki; **Opposed:** None; **Abstaining:** A Forrest, R Ward, M Reeves; **Approved:** 3/0/3.

3. Public Comment

There was no public comment.

4. Old Business to Include:

A. Report on Land Use Application 17-10 Foxboro Point Subdivision Letter

The Essex Conservation Commission submitted a letter to the Planning Commission dated September 26, 2017 regarding the Application for Subdivision Modification, Activity in Conservation Easement at 9 Foxboro Road and Land se Application #17-10 before IWWC. The September 26th letter has been made a part of these Minutes.

B. Discuss Conservation Easements Signage

K Tucker displayed small placards that were once distributed for display on properties within the Town by the former Essex ZEO, Marian Staye. The placards which read "Conservation Easement No Admittance" and, "Open Space", were to be posted in areas of conservation easement. The display of these signs are made conditional as related to proposals in which there was an assignment of open space. K Tucker suggested monitoring more closely submission of subdivision applications so as to advise the conditional display of the signs, as the situation necessitates.

The Commission entertained a brief discussion as to the mechanism for the Conservation Commission being informed prior to the review and approval of a subdivision proposal.

MOTION made by M Reeves that the Conservation Commission request that the Planning Commission, the Planning Officer, the Zoning Enforcement Officer and other agencies who receive an application for a subdivision proposal that involves any granting of conservation easement or open space, send notification to the Conservation Commission of said application, prior to any public hearings or consideration by said Commissions; **SECONDED** J Lovelace' **Voting in Favor:** K. Tucker, J Lovelace, A Forrest, R Helmecki, R Ward, M Reeves; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

C. Canfield-Meadow Woods Preserve

1. Schedule Tulip Tree Area Clean-Up

K Tucker stated that she walked the Dennison Road trail and she suggested that the Commission schedule a clean-up in the area of the Tulip Tree on Wednesday, October 18, 2017 at 1:00 p.m. Members will meet at Book Hill Woods entrance.

2. Other

There was no other business.

D. Bushy Hill Preserve

R Helmecki reported that he and K tucker repaired two slats on the Eagle Scout Bridge which is decaying, shored it up, replaced the chicken wire with vinyl mesh and cleaned out the culvert. R Helmecki stated that a new blade is needed for the weed whacker. R Helmecki will bring the device to have the existing blade sharpened and purchase a new blade.

K Tucker stated that she visited the Oakledge Drive entrance and reported that the area needs logging.

E. Viney Hill Brook Preserve

1. Rockfall Foundation Grant Application

R Ward completed the preliminary work related to the Rockfall Foundation Grant application to include comprises four educational post signs: (1) at the entry to the parking lot, (2) at the Beaver Lodges, (3) by the Eagle Scout Bridge and (4) by the Beaver Solutions grate which blocks the culvert entrance to the right of way road culvert. R Ward is in-process of obtaining a proposal and he stated that he spoke with a Region 4 District teacher and

arranged to have the students produce the art work. R Ward stated that he has not obtained a quote for the actual devices.

2. Report on September 17, 2017 maintenance

J Lovelace reported that he, K Tucker, J O'Brien and A Forrest conducted a site inspection at Viney Hill Brook.

J Lovelace stated that today he walked the Blue Trail around Quarry Pond, crossed to the Yellow Trail connecting to the Forest Glen Purple Trail, then hiked the Uplands White Trail to the Red Trail. He also walked the trail around Wollock's Pond. J. Lovelace reported that the trails are all in fine shape. It was noted that the presence of the ticks in the area are a problem.

F. Other

J Lovelace stated that discussion related to the newly constructed beaver dams on Broadwalk was tabled at the September 2017 meeting. J Lovelace asked if the Commission wished to reopen the discussion.

K Tucker stated that this is a drainage issue and Broadwalk will be unusable unless the trail is remediated.

5. New Business

K Tucker reported that Turtle Creek which is the purview of the CT Nature Conservancy is no longer allowing dogs.

K Tucker stated that the second phase of opening the field will begin once the leaves drop. K Tucker will contact Clark's Custom Services and inform them not to start the project until the Commission coordinates a schedule.

K Tucker distributed a map from the 1980's in which the conservation easements are depicted within the Bushy Hill Preserve.

6. Financial Report

K Tucker reported that Clark Custom services mowed within the Bushy Hill Preserve and Viney Hill Brook Park on 9/21 and 9/28/2017.

7. Inland/Wetlands Report

J Lovelace reported that at their October 10, 2017 meeting the IWWC approved application #17-10, property situated at 9 Foxboro Road to install the footing drains and the rain garden. The IWWC was advised by John Guszowski, Planning Commission consultant that the enforcement of the conservation easements written for that property are not within the purview of the IWWC. This proposal is before the Planning Commission this evening which is a continuation from their September 2017 meeting. The Planning Commission continued consideration of this proposal so as to consult with their legal counsel.

8. Correspondence

There was no correspondence.

9. Adjournment

MOTION made by J Lovelace to adjourn the meeting at 8:45 pm until the next regularly scheduled meeting which will be conducted on November 9, 2017 at 7:30pm, Essex Town Hall, Conference Room B, 29 West Avenue, Essex, CT; **SECONDED** by M Reeves; **Voting in Favor:** K. Tucker, J Lovelace, A Forrest, R Helmecki, R Ward, M Reeves; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted, Stella C. Beaudoin



Date: September 26, 2017

To: Town of Essex Planning Commission and Chair Alan Kerr
Town of Essex Planner John Guskowski

From: Town of Essex Conservation Commission

Re: Application for Subdivision Modification: Activity in Conservation Easement at 9
Foxboro Road and Land Use Application #17-10 before IWWC

The Conservation Commission, **as authorized by the Connecticut General Statutes 7-131a that (b) A conservation commission...may make recommendations to zoning commissions, planning commissions, inland wetlands agencies and other municipal agencies on proposed land use changes**, strongly recommends that:

1. A non-easement solution be pursued so as not to override the intent of the Declaration of Perpetual Conservation Restriction Easement and the specific Prohibition #6 which states:

“There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of loam, topsoil, sand, gravel, rock, minerals or other materials, or change in the topography of the Conservation Easement Area in any manner.”

The Applicant requests approval to install a footing drain outfall system and a rain garden in the Conservation Easement area.

2. The Declaration of Perpetual Conservation Restriction Easement Prohibition #7 be upheld as stated:

“There shall be no granting of any right of way or right of passage over any portion of the Conservation Easement Area.”

Given there is an inconsistency between the Land Use Application #17-10 (before IWWC) asking for a 6' wide path on a portion of the Conservation Easement and the Doane-Collins Map dated May 16, 2016, Improvement Location Plan for Needleman & Hubbard, showing a 5' wide path through the Conservation Easement, a path of any size may set a precedent for commissions to modify Perpetual Conservation Restriction Easements and should not be allowed.

Thank you for your time and deliberation in this important matter.

Sincerely,

Kay Tucker, Chair

cc: I/W Commission, Fred Szufnarowski, Chair
Wetlands Enforcement Officer. Joseph Budrow

ELT, Nancy Rambeau, President
ELT Osage Trails, Bob Nussbaum, VP