

**Town of Essex
Conservation Commission**

**Minutes
Thursday, June 14, 2012 7:30 p.m.
Essex Town Hall**

The Essex Conservation Commission conducted their regularly scheduled meeting on June 14, 2012 in Room B of the Essex Town Hall. Present: Chair, Kay Tucker, Doug Demarest, Richard Helmecki, Pam Bernardini, MaryAnn Pleva, Susan Malan and alternate and Ron Skinner who was seated for Jeff Lovelace.

Attending Staff: Stella Beaudoin, Recording Secretary. Ron for Jeff

Ms. Tucker called the meeting to order at 7:31 p.m.

Ms. Tucker stated that a representative from the firm of Robinson & Cole is here to present at this evening's meeting on behalf of new subdivision on Ingham Hill Road.

Michelle Maresca of Robinson Cole, LLC presented on behalf of River Sound Development. Ms. Maresca stated that the 6-lot subdivision proposal on Ingham Hill Road is currently before the Essex IWWC and later this evening will be heard at the June 14, 2012 Essex Planning Commission meeting. Ms. Maresca stated that she was referred to the Conservation Commission by the Essex IWWC. Consideration of this proposal before the IWWC has been tabled pending the updated CT River Coastal Conservation District (CRCCD) project assessment which includes erosion and sedimentation controls, habitat analysis, etc.

Ms. Maresca stated that she is here tonight to discuss the open space proposal surrounding this application. Ms. Maresca introduced Mr. Robert Levine, project coordinator, Robert Doane, P.E., Michael Klein of Environmental Planning Services and Dr. Michael Klemens who assisted with the study of the property and who will provide a summary of the work completed on the property.

Robert Doane presented. This subdivision proposal is comprised of a 36-acre parcel on the north side of the Essex/Old Saybrook town line. There are six proposed building lots. Out of the 36.6 acres, there are 22.87 acres of open space which is 62.5% of open space. Mr. Doane stated that the subdivision regulations require 30% or one third of the property to be open space. Mr. Doane stated that 2.9 acres of conservation easement has been established between two of the wetland areas on the property. Additionally a corridor of 1.53 acres of open space conservation easement has been established for the spotted turtle, for a total of 27.31 acres which is 74.6% of open space on the property.

In response to the review received by the CRCCD, a trail head was proposed in anticipation that there would be trails in the open space. A trail head between lot 6 and Ken Bombaci property is reflected on the most recent set of plans.

Ms. Maresca stated that the district review had to do with the anticipated use of the open space area, i.e., the intensity of the trail, and the use of those trails. It was determined that the trails are not appropriate, however it is reflected on the plans in anticipation of a future requirement.

Michael Klein, biologist and soil scientist presented. Mr. Klein stated that the wetlands on the site were delineated several years ago. Detailed biological studies were completed beginning in the late 90's. The wetlands as noted on the plan before the commissioners which are denoted as numbers 3 and 4 are narrow, intermittent and perennial watercourses. Wetlands #1 has a permanent pond. Wetland #2 has a vernal pool embedded within it. Wetlands #1 and 2 provide significant values for wildlife habitat and for water storage functions and there is no activity proposed in those wetlands or in the upland review area. Mr. Klein stated that he has worked with River Sound Development on this property and he has made a series of recommendations which were adopted by River Sound Development. This plan places all of the wetlands in the open space. A common driveway serves lots one and two and three and four. A common driveway serves lots five and six. Primary focus of the CRCCD had to do with the use of the open space. Mr. Klein stated that because of the vernal pool and because of the sensitivities of the turtles, the area is not intended for active recreation. The property deed will prohibit the use of motorized equipment.

Ms. Tucker commented on the likelihood of the creation of a pentway corridor that would extend into Old Saybrook to be utilized as a trail for biking and hiking.

Dr. Michael Klemens a conservation biologist presented. Dr. Klemens noted that the vernal pool on the property which is embedded within a wetland is a highly productive and valuable and is home to the spotted salamander and wood frog. Mr. Klemens stated that there are also spotted turtles on the site. They live about 30-50 years and move about to the vernal pools and across the landscape to seasonally feed on the tadpoles. Mr. Klemens stated that this is a real conservation subdivision as it protects the open space, protects the wetlands and protects the species and their rotational use of the wetlands across this landscape. Because there is a good deal of activity moving between the wetlands it is not compatible for people to walk or to bike through. Mr. Klemens stated that he is not in favor to open this up to foot traffic as the value is leaving the property in its natural state. The Box Turtles are state-listed as a special concern species which is defined as a species that are declining non-cyclically. Dr. Klemens stated that the spotted turtle is declining, but it is not on the state list of special concern species. Mr. Klein stated that in association with this development, 6.5% of the critical upland habitat will be lost.

Michele Maresca stated that she is looking for feedback on how to manage this open space area, noting that the open space will be delineated with markers and signage.

Attorney Charles Rothenberger from the CT Fund for the Environment (CFE) presented. Mr. Rothenberger distributed a formal timeline for the commissioner's review. Mr. Rothenberger stated that the development around vernal pool #6 is greater than 6%. The approved planning development in Old Saybrook is 11.8% . There are an additional 6 building lots to the south of the vernal pool. There is some dispute as to whether or not there are additional vernal pools on the site. There is a concern that the development of lot #3 would provide an avenue for the colonization of invasive species within that corridor. The existing wood road provides the combined driveway for the

Essex portion and that road continues through to old Saybrook. Mr. Rothenberger stated that preliminary open space approval of a conceptual plan from the Planning Commission in Old Saybrook has been previously approved. The Old Saybrook IWWC denied the application. The DEEP diversity analysis which the Essex IWWC is also looking for has not been received yet.

Chris Smith, land use attorney and partner at Shipman and Goodwin presented. Attorney Smith represents the interveners who are comprised of a group of residents on Ingham Hill Road. Attorney Smith stated that items #4 and 5 in the Robinson and Cole memo addresses trails and open space areas and Mr. Smith asked that the commissioners consider recommendation of those trails to the Essex IWWC and the Planning Commission prior to the July 2012 regularly scheduled meeting. Mr. Smith was asked to put in writing the proposed location of the trails and if they will exceed the town limits.

Judy Bombaci, 86 Ingham Hill Road presented. Mrs. Bombaci stated that the Old Woods Trail is comprised of many of old hiking trails. Ms. Bombaci noted that to the east of lot #6 is the location of the proposed trail head. Ms. Bombaci stated that it is ledgey, wet and impossible to hike.

Mr. Ken Bombaci, 86 Ingham Hill Road presented. Mr. Bombaci stated that his concerns include the area surrounding lots #5 and 6 where there is currently a row of mature maple trees that will be cut down in order to establish the lots. Mr. Bombaci stated that he is in opposition of the removal of those trees. Mr. Bombaci stated his concern surrounding the run-off from the proposed driveways in terms of sheet flow. Mr. Bombaci stated that in the process of clearing the lots many trees will be removed as will the habitat. Mr. Bombaci stated that the first proposal was for 18 building lots and that was denied.

Dr. Klemens stated that the large habitat of the vernal pool which is directly in the middle of the Wood Road proposed trailhead would be greatly and negatively impacted. Dr. Klemens stated that the power lines which is also situated on the proposed trailhead is a critical resource as it houses a large snake den and this is not a great place to have people traversing through that area.

Robert Levine presented on behalf of the application. Mr. Levine stated that this application represents the best efforts to develop this property as an as-of-right. The land to be affected is minimal. Over the past three years, Mr. Levine has had many dealings with the Nature Conservancy, the CT Environment for the Land and various Land Trust entities. Mr. Levine stated that during these negotiations no one has stepped up to purchase this property. Lehman Brothers who owns the land now has the funding available to pursue this property and to develop it. Mr. Levine stated that the applicant will have made tremendous efforts to address every aspect of the development of the land and going forward will continue to work to protect the property and the habitat. Mr. Levine stated that the trust for public land has made it clear that Old Saybrook has limited dollars and Essex stated that they could not handle the funding. Mr. Levine stated that the applicant has tried to work with a solution that will satisfy everyone's concerns.

Suellen McCuin, Ingham Hill Road presented. Ms. McCuin stated that she has been working with this proposal and the nature conservancy since 1998. Ms. McCuin is part

of a group known as The Alliance for Sound area Planning (ASaP) which formed in 2003. This group is working to preserve these 1,000 acres of land that used to be called "The Preserve". There are over 300 members in the ASaP organization. Ms. McCuin stated that the State of CT had reserved funding for land acquisition and some of which may be utilized for the purchase of this land and Ms. McCuin has worked over the years on the preservation of this property and facilitated many meetings for the purpose of a private purchase of this land.

The Conservation Commission will conduct a site walk on July 1, 2012 at 5:00 p.m. Members and the public will park at the end of Ingham Hill Road in the area of the CL&P gate.

Old Business Inventory Proposal

Ms. Tucker stated that she spoke with First Selectman, Norm Needleman and informed him that the Commission wishes to hire Jenna Klink a recent UConn Masters degree graduate to do an inventory of the conservation easements. Mr. Needleman stated that it is not a requirement to post this position. Ms. Klink will be paid \$650.

Projects and Encumbrances

Motion made by Doug Demarest to allow Kay Tucker to handle the upcoming fiscal year encumbrances.

Motion seconded by Ron Skinner and passed unanimously.

Adjournment

Motion made by Doug Demarest to adjourn at 10:15 p.m.

Motion seconded by Pam Bernardini and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin, Recording Secretary

The next regularly scheduled meeting of the Conservation Commission will be conducted on July 12, 2012