

## Unapproved

**Town of Essex  
Conservation Commission  
29 West Avenue, Essex, ct  
essexct.gov**

**Special Meeting Minutes  
Monday July 2, 2012  
5:30 p.m.**

The Essex Conservation Commission conducted a special meeting on July 2, 2012 in Room B of the Essex Town Hall. Present: Chair, Kay Tucker, Doug Demarest, MaryAnn Pleva and Susan Malan.

Attending Staff: Stella Beaudoin, Recording Secretary.

Ms. Tucker called the meeting to order at 5:34 p.m.

Ms. Tucker stated that the purpose of this evening's meeting is to address the accessibility of the proposed open space re the River Sound LLC Conservation Subdivision on Ingham Hill Road.

The Conservation Commission conducted a site walk on Sunday, July 1, 2012. The following are the notes from the site walk minutes:

A site walk was held on the proposed 6 lot open space preservation subdivision of River Sound Development on Ingham Hill Road on Sunday July 1, 2012 beginning at 5:00 PM

Present were: **Conservation Commission:** Kay Tucker, Chair, Pam Bernardini, Doug Demarest, Mary Ann Pleva.

**Planning Commission:** Tom Danyliw, Chair, Linda Herman, Alan Kerr.

**For the applicant:** Michele Maresca, and Michael Klein; **Civil Engineering:** Bob Doane and Darcy Collins; **CT Fund for the Environment:** Charles Rothenberger; **Essex Town Engineer:** Steve Trinkaus; **Essex Land Trust:** Bob Nussbaum; **valleynewsnow reporter:** Jerry Wilson

**Neighbors, and others:** Tracy, Tesa, & Ken LeMay; Ken and Judy Bombaci, Martha and Mr. Bombaci; and Geoff Parkel; Steve & Linda Boatti; Barbara & Tom Muhlfelder; Sue Ellen McCuin; Jennifer Rannestad; Bob Lorenz

Mr. Doane directed the group to the area of Lots #1 and #2 and described where the common driveway, houses, and septic systems would be. The conservation area, underground utilities, & the location of power lines were discussed. It was indicated that the stone walls were not in the conservation area.

The group moved further down Ingham Hill to the area of Lots #3 and 4, passing a disturbed area that seemed to be being used by cars or heavy machinery.

At 5:30 it began to rain and lightening. People moved either into cars or to the Bombaci barn and some into the house. Chairperson Tucker suggested we wait 10 minutes to see if the storm would pass. It did not and the meeting ended about 6:05.

Mr. Demarest stated that this proposal has been reviewed by many commissions and well policed and it conforms with all of the existing zoning regulations. Mr. Demarest stated that the one point that was not addressed is the fact that River Sound is ultimately planning to double the size of this subdivision. Mr. Demarest stated that as a part of the Conservation Commission's recommendation, it should be noted that there will be a good deal more future impact than what is currently being proposed. Mr. Demarest stated that at the last Conservation Commission meeting he had a discussion with Attorney Levine who represents the developer. Attorney Levine stated that the asking price for this property is fifteen million dollars which is a decline from the original request. Mr. Demarest suggested that negotiations be made to purchase the property.

Ms. Malan stated that although the Commission has been asked to act independently, statutorily the Commission can make recommendations to other municipal agencies on proposed land use changes.

Ms. Tucker stated that as per the Plan of Conservation and Development, the open space property given to the town cannot be comprised of i.e., vernal pools, wetlands, etc.

Robert Doane, P.E. presented. Mr. Doane stated that a conservation subdivision requires one-third of open space and the planning requirement is that the one-third open space cannot be wetlands. Under the conventional subdivision conditions there is 15% requirement. This property is comprised of 22.87 acres of open space and uplands is comprised of 18.46 acres. There is a total of 4.22 acres of wetlands in the open space. The entire area of subdivision is 36.6 acres. The definition of net buildable area relates to 20% slope and non-wetlands. Mr. Doane stated that each lot is required to have 16,000 s/f of net buildable area and that is exceeded on all of the lots. Under a conventional subdivision the requirement is 37,000 s/f for net buildable area. Mr. Doane noted that Heron Pond is an open-space subdivision and it was an existing roadway that was built with a subdivision. They do not have the 75-foot conservation easement on the roadway and the houses have the normal setback on the roadway. Mr. Doane stated that with regard to the Ingham Hill subdivision, a cross-slope on the driveway is proposed which will allow the water to run off.

Ms. Malan stated that the commissioners were handed 100 pages of information this evening which allows no opportunity for review. Ms. Malan noted that there is run-off flowing from the 12% grade. Ms. Malan is looking for additional information on the erosion plan which includes rain gardens and requested additional historic data on the success of the rain gardens. Ms. Malan stated that the most recent wetland delineation information is ten years old and she questioned the availability of information that is more current. Ms. Malan stated that there will be blasting required and she questioned the effect of the blasting on the watercourses and habitat.

Mr. Doane stated that the rain gardens will be situated above the houses. The success of the gardens helps with the water quality and the dissipation of the rock from the house.

Mr. Doane stated that the developers did not feel there was any need to re-delineate the wetlands as it does not typically vary. The wetlands and the 100-foot review area have been incorporated in a majority of the open space. Mr. Doane stated that Lot #2 is the only area that encroaches into a wetland and a scenic view has been established for that lot.

Mr. Doane stated that no significant blasting is being proposed, noting that not every house requires blasting. The issue of blasting and the effect on the surrounding area will be addressed by an expert in the field. Lots #1, #2, #3 and Lot #6 may require blasting. The blasting material will mostly be utilized onsite, some of which be used for the fill to make the slope. Blasting will not be employed for the installation of the sanitary waste system. Mr. Doane stated that the most you blast is six feet which is a shallow blast. The well depth is down a few hundred feet. Mr. Doane noted that there will be no deed restrictions to clear cut the individual lots. If the trees are within the conservation easement they

cannot be cut down. Mr. Doane noted that there are currently no proposed deed restrictions on the use of chemicals on the lawns.

Ken Bombaci, Ingham Hill Road presented. Mr. Bombaci stated that this property has been appraised for is nine million dollars. Mr. Bombaci commented on the trail which was used for the site walk noting that this trail must be preserved for usage to access the remainder of the preserve.

Ms. Pleva commented on the designation of Ingham Hill Road by the Town of Essex, as a scenic road.

Judy Bombaci, Ingham Hill Road presented. Mrs. Bombaci stated that it is very important to maintain the footpath that goes up through Lot #4 as it connects with a spider web of trails with Old Saybrook. Keeping this as a walking path as opposed to shared driveway is environmentally sensitive. Mrs. Bombaci stated that the Preserve has been trying to build on this property for fourteen years.

Charles Rothenberger, Esq., the CT Fund for the Environment presented. Mr. Rothenberger stated that he is concerned about preserving the ecological integrity of the site. As long as at least 75% of the upland area around a vernal pool is maintained, there will be no significant impact on the vernal pools.

Ms. Tucker stated that the Habitat Analysis from the DEEP has not been received, noting that the Commissioners have not been presented with the opportunity to review all of the facts.

Mr. Doane stated that the Planning Commission makes the determination regarding the open space. Mr. Doane noted that the CT River Coastal Conservation District (CRCCD) report stated that the trails within this subdivision should be accessible.

Charles Rothenberger stated that there will there be public access on the trails to connect to the Old Saybrook trails.

Ms. Malan noted that from an IWWC perspective the grade of the driveway will generate a good deal of run-off which makes the function of the rain gardens questionable. It is a steep slope and there is no drainage in place. In terms in blasting it cannot be determined at this time that the blasting will not impact the surrounding nature, the historic homes on the street. Ms. Malan stated that this is a conservation subdivision and to blast seems counterintuitive. The fact that there is an existing path to move through this piece of land and by virtue of doing a subdivision, it will be moved all around to accommodate the creation of the lots and the homes. Ms. Malan stated that the developers must take into account the best conservation measures available within a conservation subdivision. Per the REMA ecological services report dated June 12, 2012 it is stated that the wetlands delineation has not been updated.

The following points were proposed to be made in the form of a statement to IWWC re an overview of interim requests and recommendations.

1. Recommend that the number of allowable lots on the property (particularly Lots #3 and #4) be reconfigured or restricted due to the environmental impact which could be profound;
2. Request a recent, up-to-date wetlands study and delineation prior to application approval;
3. Request assurance that all habitat is protected in light of the excavation, water run-off and blasting that will occur during lot development;
4. Request additional expert information regarding the direct and indirect impact on the flora, fauna, protected habitat, brooks, ponds and neighborhood abutters from the proposed blasting;
5. Commissioners remain unconvinced that the identified and/or "concerned" species found on the 36 acres are being given maximum protection (the deep Natural Diversity Analysis is critical);
6. Commissioners recommend that chemical use (fertilizer, pesticides, herbicides) on all lots be

- restricted and regularly monitored by the town's Inland/Wetlands Officer and Sanitarian;
7. Commissioners recommend that a sufficient and permanent buffer of native plantings be required on each lot to help camouflage the protected open space from light and noise pollution, domesticated pets and other daily onsite disturbances such as vehicles, equipment and people;
  8. Commissioners request detailed information on the water retention ponds proposed to be created within the 75' conservation easement set back and a detailed design plan on the proposed "rain gardens" as well as a report on their effectiveness;
  9. Commissioners believe that the parking area (bordering Lot #6) is not suitable for the site proposed as it will be difficult to access a trail head from that area;
  10. Commissioners believe that the historic stone walls on the 36 acres should remain undisturbed;
  11. Commissioners request alternative options with respect to the possible impact that intermittent public access to the proposed open space may have long term flora, fauna and habitat should trails be allowed;
  12. Commissioners strongly urge that use of the historic pentway known as "The Old Wood Trail" is retained for public pedestrian access from Ingham Hill Road leading to Old Saybrook.

In light of the voluminous information received from Robinson & Cole on behalf of the applicant and the additional material received and presented by Robert Doane, P.E., and by Charles Rothenberger, Esq. to the Conservation Commission on July 2, 2012, the Commission intends to continue to review the materials and opinions expressed. The Commission will continue the site walk of the proposed conservation subdivision on July 8, 2012 and will then make further recommendations, requests and statements to the IWWC and the Planning Commission.

**Motion** made by Susan Malan to adjourn at 7:55 p.m.

**Motion** seconded by MaryAnn Pleva and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary

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