

May 20, 2002

MEMBERS PRESENT: Mrs. Averill, Mr. Bender, Mr. Buck, Mr. Byerly, Mr. Charles

ALTERNATES PRESENT: Mrs. Roberts, Mr. Sabin

ALTERNATE ABSENT: Mr. Rimsky

ALSO PRESENT: Mrs. Luckey, Mrs. Payne, Ms. Purnell

STAFF PRESENT: Mr. Chalder, Mr. Gillis, Mrs. Hill,

Mr. Bender called the Special Meeting to order at 4:05 p.m. and noted the purpose of the meeting was to discuss the conservation section of the Plan of Conservation and Development. Members Averill, Bender, Buck, and Byerly and Alternates Roberts and Sabin were seated.

The Commissioners conducted a page by page review of Section 4, making both editorial and conceptual comments.

Page 2:

All italicized sentences in the margins should end with periods.

When referring to the Natural Resources Inventory Report, resources should be pluralized.

Page 4:

Under "Steep Slopes" Mr. Sabin asked that the potential for erosion problems be stressed.

In the third paragraph Mr. Sabin asked that a statement be added that development on steep slopes was not prohibited, but that the design of structures within these areas should clearly reflect a desire to minimize disturbance.

Page 5:

Mr. Sabin suggested a note be added to the map that this map is based on USGS contour intervals and that additional areas in excess of 25% exist and may require a site specific topographic survey.

Mrs. Roberts thought the Plan should state the Commission anticipates that stricter regulations will be required as more land is developed due to increased population pressures.

Page 6:

The recommendation for blasting guidelines was discussed. Mr. Chalder noted this had been taken from the Natural Resources Inventory Report, (NRIR), and said pre blast documentation and a contingency plan for addressing impacts due to blasting could be required and that all applications for blasting permits should be thoroughly reviewed by the fire marshal. Mr. Sabin thought the regulations should differentiate between significant blasting projects and blasting for additions, swimming pools, etc. Mrs. Roberts agreed. Mr. Bender noted "significant" was not an exact term. Mr. Sabin said the NRIR had specified approximately 300 cubic yards as significant.

Page 7:

Mr. Bender asked why there was so little "developed" land on the map. Mr. Chalder explained this was "made" land.

Mr. Chalder will check on the spelling of sewage/sewerage.

Page 8:

In the last paragraph in the side bar, "a" should be inserted to read, "in a major flood."

Mr. Bender asked if flood plain was defined. Mr. Chalder said the definition had been added to the Zoning Regulations.

Mr. Chalder said he was not comfortable with the terms, "soil water" and "groundwater" as used in the table at the top of page 8. He said what was really being referred to were surface groundwater and deep groundwater.

Page 9:

Mr. Bender asked whether the bedrock aquifer along Rt. 202 was correctly labeled on the map. Mr. Sabin noted it was as there could be calcareous wetlands over bedrock aquifers. He also noted there are bedrock aquifers throughout Town, but state records indicate this one is a high yield aquifer.

Mr. Chalder explained the important public policy issue was that areas of higher water availability for land use purposes or public water supply should be recognized so that if the Town wants to take protective measures, it knows where to do so.

Page 10:

Re: the second bullet in the third paragraph - that the Town require information on septic tank pumping be reported, Mr. Sabin asked if there any other towns in the state that mandated septic systems be pumped. Mr. Chalder responded yes, and some were as strict as requiring by local ordinance that all tanks be pumped every three years. Mr. Chalder said the Commission would have to decide whether it supports such a concept to protect the public water supply and if it does, whether it will be encouraged or required. Mr. Bender recommended Mr. Chalder draft a suggestion for encouraging septic pumping. Ms. Payne thought educating the public about this issue might be a job for the Conservation Commission.

Mr. Bender asked that in all instances as in the third paragraph in the side bar, when an abbreviation is first used, the entire word or phrase should be written out and thereafter the shorter form used.

Page 11:

Regarding the strategy #2, Mrs. Hill pointed out there were conflicting opinions in town about whether wetlands and watercourses should be protected as open space since they were considered to be protected already. Mr. Bender agreed this was an ongoing issue. Mrs. Roberts pointed out the revised Subdivision Regulations require the subdivider to put some good land into open space. Mr. Chalder did not think #2 interfered with this Subdivision Regulations requirement and said he would add language about the protection of water resources to make this clear. Mr. Bender noted that enforcement of both the Inland Wetlands Regulations and of conservation easements and open space areas was the key to wetlands protection. Mr. Chalder felt the greatest benefits to the public from open space come from public access and public use. He said in Washington conservation easements had been used historically to preserve open areas and the character of Town, but had not provided for public access. He advised the Commission it would have to decide what type of open space strategy it wanted. "Is it enough to see it, but not touch it?" he asked. Mr. Bender thought water recharge areas should be targeted for protection in conservation easement areas. Mr. Chalder said this matter would be discussed again under the open space section of the Plan. Mrs. Payne noted the Conservation Commission had previously sent a letter to the

Planning Commission to advise it that it did not think regulated areas should qualify for open space set asides. She, too, thought the issue was how to strengthen and enforce the Inland Wetlands Regulations. Mr. Bender said the Commission agreed with her, noting however, to say that wetlands shall not qualify for the open space set aside was too strong a statement as a circumstance may occur where inclusion of wetlands was merited. It was the consensus that wetlands would not be a priority for inclusion in open space, but that the option would remain to include unique wetlands areas.

#6: Mr. Bender noted "flood prone" was subjective and asked if it was defined. Mr. Chalder said this term would be changed to "flood plain," which is defined and that the main purpose for identifying flood plain areas on the map was to inform the general public, who might not know the FEMA maps should be consulted to obtain this information. He recommended a note that larger floods can and do occur also be added to the zoning map. Mr. Bender did not think the zoning map should not be burdened with anything other than zoning and instead suggested flood plain maps should be filed on the Land Records so that title searchers would come across this information. Chalder said FEMA maps were not recorded on the Land Records, but were on file in all Town Clerks' offices in Ct. He said Washington did not have flood plain zones like some other towns, but recommended they be shown on the zoning map as areas with potential for flooding with a note of where additional information can be found. Mr. Bender said he would favor any mechanism that would bring flood plains to the attention of title searchers. Mrs. Hill questioned whether the Town could be held liable if the general flood plains were included on the zoning map. Ms. Purnell asked for improvements in representing the 100 year flood plain and the stratified drift aquifer on the map on page 9.

#7: Mr. Chalder will review the Subdivision Regulations to determine whether this provision is already included. Mrs. Hill noted the Zoning Commission is currently working to incorporate a standard in its Regulations for zero increase in post development runoff.

Also under this category, Mr. Sabin suggested the addition of a requirement for native plant buffers along waterways in lieu of maintained lawns.

#8: Mr. Bender asked what activities were designed to protect water quality. It was noted the 1993 Plan of Development recommended the Conservation Commission conduct water quality testing and the Environmental Council was now considering doing this. Mr. Buck suggested regulations requiring pervious surfaces for driveways would help to protect water quality.

#12: Mr. Bender thought an across the board requirement that 20 year old underground fuel storage tanks be replaced was arbitrary. He asked if a more appropriate requirement would be for biennial or every five years pressure tests. Mr. Sabin thought anything that could be done to remove tanks that aren't alarmed and vaulted should be done. Mrs. Hill noted the Zoning Commission is considering whether to prohibit the installation of new underground fuel tanks. Mr. Chalder noted #11 and #12 say "consider." He suggested this be discussed at the next public meeting. #11 may be modified to say, prohibit underground fuel tanks "unless they are alarmed and vaulted" or "that aren't in conformance with state requirements."

#13: Mrs. Averill asked what the alternatives for the disposal of wastewater in the Lake Waramaug and Depot areas were. Mr. Chalder said there were a wide range of options such as treatment plants, sewerage the lake, community septic systems, innovative septic designs, etc. Mr. Sabin noted there are also wetlands type septic systems for use in cases when expensive equipment is not an option. Mr. Bender noted there have been many comments received urging the Commission to be very careful to explain how its recommendations should be implemented. In other words, he said, it's not enough to suggest what should be done, methods of implementation must be noted. Mr. Chalder agreed, and said the recommendations listed in the first draft would go into much more detail.

#19: Mr. Sabin suggested adding that for larger development projects bonding would be required and regular monitoring and reporting by a qualified individual. He thought "periodic" was not specific enough.

Page 12:

Mr. Bender asked for a unified system of numbering and lettering rather than using bullets so that page sections could be easily identified. Mr. Chalder thought bullets were friendlier to the casual reader.

Mrs. Roberts supported #1 and #2 and suggested #5 be added to prohibit disturbance of habitat by extraneous light sources. Mr. Chalder thought lighting was more of a community character issue than a natural resource issue and would be dealt with later on in the Plan. Mrs. Roberts thought it should be addressed in both sections as it can affect habitat and is an environmental issue. It was agreed to consider illumination under community character.

Page 14:

The distinction between conservation, preservation, and protection was discussed. Mr. Chalder said preservation means you should do everything you can to preserve it as it currently exists, conservation means there can be a little more flexibility in these areas provided the functions of the areas can be conserved, and protection means there are important things going on in an area, which we need to be cognizant of.

Mr. Sabin stressed the idea of the preservation of major undeveloped, uninterrupted wildlife and habitat corridors.

Mr. Sabin asked if there was a way that prime agricultural soils could be highlighted on the map. Mr. Chalder said this had been covered in the character section of the Plan as it is a soil type that promotes a desirable community activity. Mr. Chalder suggested one strategy might be to get all prime agricultural lands into public open space so that farmers could lease them for a low cost per year, the land would continue to be used for agriculture, and Washington's character would be preserved.

The 4th bullet under Resources for Conservation: Mr. Bender asked if the 150 ft. buffer included intermittent watercourses. Mr. Chalder pointed out that the standards in the Zoning and Inland Wetlands Regulations were not consistent, and surprisingly, the Zoning setbacks for wetlands and watercourses in some instances were the more stringent. He said the regulation of intermittent watercourses could probably be worded to differentiate between natural and manmade.

Page 16:

1st Paragraph: Mr. Sabin pointed out that the Inland Wetlands Commission and Conservation Commission are now separate and so Inland Wetlands has the primary responsibility for administering the wetlands regs. It was noted other conservation oriented groups in town that were not mentioned were the Lake Waramaug Task Force, Lake Waramaug Authority, and the Washington Environmental Council.

Page 17:

3rd Paragraph: Mrs. Roberts pointed out that Washington has continually tried to get coordination and cooperation between the towns, but that Warren has not been interested. Mrs. Payne noted there was an interlocal authority.

4th Bullet: Mr. Bender asked if all two cycle engines could be prohibited legally; banning them from the Town boat launch and phasing out their use by property owners. He noted they spew gas and oil into the water. Mrs. Luckey pointed out that many residents around the lake do not use the boat launch so this would be difficult to enforce. Mr. Chalder said he would research this. He also noted this type of regulation would not be effective unless all three towns work together. It was suggested there be quiet hours enforced on the lake; times after which boats may not exceed 5 miles per hour. Mr. Chalder thought this could be covered by municipal ordinance. Mrs. Roberts thought the time would come when the three towns would have to share an enforcement officer for the lake.

Page 19:

Mr. Bender asked where the state purchase of development rights fits in. Mr. Chalder said this was dedicated open space and that he would add this method of preservation either in the text or in a side bar.

Page 20:

Mr. Bender pointed out under Dedicated Open Space, it should specify State of Ct. agricultural **non** development rights.

Mr. Chalder noted what a wonderful job the Town and Steep Rock have done to preserve 18% open space. However, he reminded the Commission that much of the land now perceived by the public as open space contributing to the rural character of the town, is actually unprotected and could be developed in the future. He said the Commission's task was how to guide the development of of the unprotected 75% of Town.

Page 21:

Open Space Chart: Mr. Sabin suggested adding the total acreage of open space and its percent to the chart. Mr. Bender thought there were some mislabeled parcels. For example, the Lake Waramaug Country Club and the Washington Club golf courses were not dedicated open space; they were managed open space. Mr. Sabin pointed out a parcel incorrectly listed as dedicated open space on Nettleton Hollow Road. Mrs. Payne asked if the information on the map was from 1999. Mr. Chalder said it was current information he had gotten from Mr. Blake. However, he will recheck the information on this map. Mr. Bender asked if the smaller sized conservation easements approved in subdivision applications could be shown on this map. Mr. Bender said he would like to see a recommendation for who should hold out right gifts, deed restrictions, and conservation easements in the small subdivision set asides.

Page 23:

Last Paragraph: Mrs. Payne was pleased to see the reference to the use of unimproved town roads as trails.

Page 25:

Regarding potential greenways: Mr. Sabin hoped to potentially add more connecting trails. Mr. Chalder said 1) he was looking for confirmation from the Commission that it favored greenways and wanted to do more and 2) the Commission had to start thinking about what it meant when it talked about a greenway. Mrs. Hill said she did not favor a paved "greenway" like the one through Middlebury. Mrs. Payne said only pedestrians were permitted on Washington's greenway trail. Mrs. Roberts, a member of the greenway committee, said there was strong sentiment in Town to have the greenway be extremely low key with no paving. Mr. Bender noted this map did not show the existing greenway running through Steep Rock. Mrs. Payne said that was stage two and that the committee was beginning to discuss with

Steep Rock the possibility of extending the greenway to the south. She said the committee hoped to extend it north to Mt. Tom as well. Mr. Bender asked Mr. Chalder if he could determine the legal status of the old Shepaug railroad right of way as it is shown as an extension of the greenway. Mrs. Payne recommended he consult with Atty. Fairbairn. Mr. Bender asked if Steep Rock was doing anything to settle once and for all the status of the Shepaug railroad right of way. He thought it was important that this be done as it was a vital question to be answered in connection with the extension of the greenway through Hidden Valley. Mr. Sabin and Mrs. Roberts asked that more possible greenway routes be added to the map. Mr. Chalder asked the Commission to begin thinking about the hierarchy of trails.

The next Special Meeting was scheduled for June 18. The Conservation chapter will be finished at that time. Mr. Chalder said that would not put the Commission behind schedule because the next step would be to hold another public meeting, and this should not be scheduled for July or August, months when many residents would be away. Mr. Charles noted it was difficult to get to these Special Meetings at 4:00 o'clock. It was the consensus, however, to schedule the meeting from 4:00 to 6:00 p.m.

MOTION: To adjourn the meeting. By Mr. Buck.

Mr. Bender adjourned the meeting at approximately 6:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Land Use Coordinator