

# December 10, 2008

5:00 p.m.

**Members Present:** Susan Payne, Linda Frank, Phil Markert, Kelly Boling, Joe Gitterman, Ric Sonders, Alt.

**Guests:** Holly Reger, Bart Clark, Engineer, Bruce Carusillo, Chris Charles,

**Staff Present:** Shelley White

Susan Payne called the meeting to order at 4:58 p.m. and seated members Kelly Boling, Linda Frank, Phil Markert, Joe Gitterman, and herself.

## **Consideration of the Minutes:**

The November 5, 2008 Regular Meeting Minutes were accepted with the following amendments: that she did not have with her

Page	Line	Should Read:
1	Under Guests:	Carrie Carson should be Carrie Larson
2	26	DELETE: Diane Dupuis stated that she has an amended propagation map
3	12	...great deal of scientific data that show the health issues due to cell phone use and cell...
3	41	Ms. Payne stated that the Commission would want any rights to be reviewed by the Commission.
5	12	...Thompson called her and told her that DEP has an Invasive Plants Program...
5	22	...program on November 29, 2008 on transfer development rights

Motion: to accept the November 5, 2008 Regular Meeting Minutes of the Conservation Commission as corrected, by Kelly Boling, seconded by Joe Gitterman, passed by 5-0 vote.

## **Referrals or New Projects:**

Holly Reger/65 Gunn Hill Road/ 2 Lot Resubdivision/Open Space Easement.

Ms. Payne stated the Conservation Commission is an advisory Commission. Mr. Bart Clark, Engineer was present for his client, Ms. Reger. The Commission, Ms. Reger, and Mr. Clark examined and discussed the Site Development Plan for 65 Gunn Hill Road, by Oakwood Environmental Associates Consulting Engineers, Warren, CT, dated 11/7/08. Mr. Clark stated the Planning Commissioner requested they come to the Conservation Commission to discuss the issue of open space on this property. Mr. Clark stated his client would like to come to an agreement with CC as to where open space could be located on the property. Mr. Clark stated his client would like to preserve some open space as an easement as Gunn Hill is a designated Scenic Road. Mr. Clark indicated the buffer to the neighboring properties on the site plan. Ms. Payne stated she had visited the site and noted the property was steep. Mr. Clark stated his client would like to preserve the ability to designate a portion of this property for another house site. Mr. Clark discussed the soil conditions. Ms. Frank stated it would be nice to preserve the rural character along the road. Mr. Boling expressed the Conservation Commission prefers to see contiguity instead of bits and pieces of land on a property. He suggested a strip of land along the road. The Commission, Ms. Reger and Mr. Clark discussed the locations of the buffers and exceptions for the driveway, septic, & electric that can be written into the easement. Mr. Boling asked if Ms. Reger would be receptive to having the Open Space Easement run along the length of the frontage of the property approximately 100 ft. deep to make

up 5-6 acres. All other proposed easements indicated on the site plan do not need to be considered. Ms. Payne stated these exceptions should be included in the language of the easement for negotiations for a future owner of the property. Ms. Payne informed the property owner that it is her responsibility to clearly mark the easement area. All Commissioners were in agreement and Ms. Payne stated they would go over the language when they come to the document stage of the easement process. Ms. Payne volunteered to write a letter to the Planning Commission.

5:12 pm:

Ms. Reger & Mr. Clark exit.

BEC Holdings, LLC/204 Wykeham Road/2 Lot Subdivision/Conservation Easement

Mr. Bruce Carusillo was present to discuss the easement for this property. The Commissioner discussed the Deed of Conservation Restriction. Mr. Boling asked if there had been changes to the original. Ms. Payne stated she had removed some unnecessary items. Mr. Carusillo and the Commissioners looked over the Property Boundary Survey, titled B.E.C. Holdings, LLC, Wykeham Road And Clark Road, Washington, CT, By Michael Alex, dated October 2008. The Commission looked at the Proposed Site Development Plan/Two Lot Subdivision/Wykeham Road & Clark Road, by Brian Neff, dated 10-7-08. The Commissioners and Mr. Carusillo discussed how the area of easement should be pinned for monitoring purposes.

5:20 pm

Motion: To approve BEC Holdings, LLC/204 Wykeham Road/2 Lot Subdivision/Conservation Easement, By Kelly Boling, seconded by Phil Markert, passed by 5-0 vote.

5:21 pm:

Kelly Boling recused himself. Ms. Payne seated Ric Sonders.

Jonathan Malkin/ Roxbury Road/Conservation Easement.

Chris Charles was present to represent Jonathan and Philippa Malkin. Mr. Charles and the Commissioners looked at the Conservation Easement Map, Prepared for Jonathan Malkin by Arthur H. Howland & Associates and Open Space Equities, LLC. Ms. Payne asked if there was going to be a baseline done. Mr. Charles confirmed there would be one done. Ms. Payne asked what a paddock was use for and if it required a structure and a need for more than one. Mr. Charles stated they were fenced in areas for the horses. Mr. Charles stated the property owners would have to come back to the Conservation Commission for approval of any fencing. Mr. Sonders expressed a concern for the brook within the proposed easement. Commissioners and Mr. Charles discussed at length the language that would be used in the easement to make sure, in the future, the area would be left in it's natural state. Mr. Gitterman stated the waterway would need to be preserved. Ms. Payne suggested consulting an expert. Mr. Charles asked if a response would be able to be put together before the end of the year. Ms. Payne stated the Commission attempts to process these easement requests in a timely manner.

5:46 pm

Motion: to approve Jonathan Malkin/ Roxbury Road/Open Space Easement upon approval of final draft of easement, by Linda Frank, seconded by Phil Markert, passed by 5-0 vote.

5:50 pm:

Kelly Boling recused himself. Ms. Payne seated Ric Sonders.

Camp Windgauge/Old North Road/Conservation Easement.

Chris Charles presented a site map prepared for Camp Windgauge, by Arthur H. Howland & Associates, dated 12/10/2008. Mr. Charles indicated the location of proposed easement on the site map as well as the proposed driveway (to access a lot in the back of the property) to the Commissioners. He pointed out the

change of the driveway location will allow for more frontage of the property. Mr. Markert stated the property was beneficial as it hinders the sub urbanization of areas close to town.

5:58 pm

Motion: to approve request of Camp Windgauge/Old North Road/Conservation Easement, by Phil Markert, seconded by Joe Gitterman, passed by 5-0 vote.

6:04 pm

Chris Charles exits.

6:07 pm

Motion: to go into executive session to discuss a potential parcel for acquisition for Open Space, by Kelly Boling, seconded by Linda Frank, passed by 5-0 vote.

6:28 pm

Motion: to come out of executive session and proceed with recommending the purchase of the parcel discussed in executive session, by Linda Frank, seconded by Kelly Boling, passed by 5-0 vote.

6:30 pm Linda Frank leaves. Ms. Payne seats Ric Sonders.

#### **Cell Tower Update:**

Ms. Payne stated there was a balloon test done on November 20th. She stated the balloons were visible from Sabbaday Lane, Whittlesey Road, Town Line Road, the smaller Pinnacle, Mt. Tom and many other areas. She stated the proposed cell tower on Rabbit Hill Road would have a huge visual impact. Ms. Payne read a summary written by Diane Dupuis. Commissioners discussed other cell towers that have already been installed and the cell phone coverage in Washington. Mr. Boling stated Ms. Dupuis had challenged Optasite representatives that the propagation map presented at the last meeting was the most recent. Ms. Payne offered to find out more and report back to the Conservation Commission.

#### **Scenic Road:**

Mr. Boling has been in contact with the person in charge of scenic road applications. She informed him a decision would be made within the first quarter of 2009 for the consideration of the Route 202 Scenic Road Designation. Conservation Easement Model:

Mr. Boling stated he has not received any feedback from Planning and maybe the Conservation Commission should go ahead and adopt the proposed easement model. Ms. Payne suggested that they wait a little longer as Planning has been back inundated lately.

6:42 pm

Motion: to adjourn by Ms. Payne, by 5-0 vote.

SUBMITTED SUBJECT TO APPROVAL,

Respectfully submitted,  
Shelley White  
Land Use Clerk