

February 3, 2010

5:00 p.m., Land Use Mtg. Room

Members Present: Susan Payne, Kelly Boling, Linda Frank, Diane Dupuis, Betsy Corrigan, Alt. Ric Sonder, Alt., Phil Dutton, Alt.

Absent: Phil Markert, Dirk Sabin, Advisor

Staff Present: Shelley White

Others: Shaun Nettleton, Atty. Jim Strub, Chris Charles, Theresa Peacocke

Susan Payne called the meeting to order at 5:10 p.m.

Seated: Susan Payne, Kelly Boling, Linda Frank, Diane Dupuis, Betsy Corrigan, Alt.

Consideration of the Minutes

The Minutes of the January 6, 2009 Conservation Commission Meeting were considered.

Motion:

to accept the January 6, 2010 Regular Meeting Minutes of the Conservation Commission as corrected, by Mr. Boling, seconded by Ms. Frank, passed by 3-0 vote.

108 New Milford Turnpike Update

Ms. Payne stated that the Town would be closing on the property tomorrow (Thursday, February 04, 2010).

Referrals / New Projects

81 Painter Ridge Road/Nettleton/Proposed Deed of Agricultural Restriction:

Attorney Jim Strub and Mr. Shaun Nettleton were present to discuss the proposed Agricultural Preservation Easement at 81 Painter Ridge Road. The Commission looked at the Subdivision Map and Site Development Map, prepared for Shaun T. Nettleton, 81 Painter Ridge Road, by Curtiss B. Smith, and dated 12-16-09. Atty. Strub explained that Mr. Nettleton was seeking to subdivide his property into 2 lots and preserve a 4-acre parcel under a proposed Agricultural Easement. The Department of Agriculture has classified the parcel as farmland. The Site Development Plan indicated the location of the existing driveway that accesses proposed lot #2, and the proposed underground utility service connection that is within the proposed easement area. Ms. Payne stated that she would be opposed to having a paved driveway in the easement area and that it should be gravel or some sort of permeable surface. The property becomes very steep at about 200 feet and a driveway would require pavement. The Commissioners and Atty. Strub discussed moving the driveway away from the easement. Mr. Boling asked what would happen if the next owner does not want to farm this parcel. Atty. Strub stated that unless it's a farming activity it would basically be restricted exactly how a conservation restriction would restrict a property. There was a brief discussion regarding how Mr. Nettleton would use the land. Mr. Boling asked if Mr. Nettleton would be receptive to installing a gravel driveway up to the portion that it changes to the 15% grade. Ms. Payne stated that she is concerned with maintaining the rural character of the property. Mr. Nettleton stated that he would like to make it cleaner and easier to maintain and he that he would be open to an oil and stone treatment to the driveway, using a tan pea stone, at least 250 feet. There was a brief discussion regarding storm water management. The Commission agreed that they prefer the driveway to stay within the eased area, keep the first 300 feet looking as natural as possible and that

the language in the easement states that it would be a 12-foot driveway. Atty. Strub stated that he would adjust the language per the Conservation Commissions requests. The Conservation Commission agreed to walk the property and forward a letter to the Planning Commission recommending that they accept the plan with the adjustments that have been discussed.

Rowe/44 Kielwasser Road/ 2 Lot Resubdivision:

The Commissioners looked at the Proposed Site Development Plan prepared for Susan Rowe, 44 Kielwasser Road, by Brian Neff, dated 12-16-09.

Archaeological Resource Protection

Ms. Corrigan stated that Nick Bellantoni has the map ready and would like to bring it in to Janet Hill, Land Use Coordinator, for review. She stated that the Planning Commission would look at it and get back to Dr. Bellantoni with questions.

Subcommittee Reports

Cell Tower

Ms. Dupuis stated that SBA withdrew the cell tower site application for Couch Road. She stated the Town has received an indication that Verizon would like to investigate the Town Garage as a possible site for a cell tower. Ms. Dupuis stated that she attended the Board of Selectmen's Meeting and they discussed that if this should fit with the Town's Regulations, the Town should negotiate a profitable lease and request a percentage of whoever co-locates on the tower. She stated that she also recommended that whoever is going to co-locate on the tower, that the Town requires they do so within 90 days. The Commission agreed with Mr. Boling suggestion that the Town should require at least two companies to locate on the tower. Ms. Dupuis stated that the Town should realize the liabilities that are incurred with siting a tower on Town property. There was a brief discussion regarding location of houses near the Town Garage. The Conservation Commission agreed that a letter should be written to the Board of Selectmen that they should reinforce these issues. Mr. Boling suggested that since this tower would impact the Town's scenic resources that the Conservation Commission should recommend that some of the money be allocated to the Open Space Fund. There was a brief discussion regarding CLOUT (Coalition for Local Oversight of Utility Technologies). Ms. Dupuis stated that the C.C. might wish to consider a resolution in favor of amending the telecommunications act of 1996 in New Preston. The Commission agreed that Ms. Dupuis should draft a resolution.

Management and Monitoring of Town Properties

Ms. Frank stated that she and Ms. Payne have been able to visit most of the properties. Ms. Frank stated that they have not seen any violations and they have a couple more properties that they have not yet visited.

Ms. Payne stated that according to her calculations, the percentage of preserve land within the Town of Washington is close to 25% and the Town Plan of Conservation and Development goal is 30%.

State Scenic Road Designation for Route 202

Ms. Payne stated that she called Colleen Kissane of the Department of Transportation and left a message that the Town would be closing on 108 New Milford Turnpike Property on Thursday, February 4, 2010 and if she could let the Town know if they are near a decision regarding the scenic road designation for stretch of RT 202 from New Preston Falls and Couch Rd.

Budget 2010-2011

The Conservation Commission agreed to keep the Northwest Conservation District allocation that C.C. and Inland Wetlands Commission share. Ms. Payne stated that the Conservation Commission has stayed within the budget in the past. She stated that she would request that the Open Space Funding be reinstated or maintained and mowing/upkeep of 108 New Milford Turnpike needs a line item.

108 New Milford Turnpike aka Moore Property

There was a discussion regarding mowing and maintaining the 108 New Milford Turnpike Property. CC will have a site visit in the spring and develop a stewardship plan.

Natural Diversity/Critical Habitat Resource Map

Ms. Corrigan stated that she would bring an overlay that she has been working on to the next C.C. Meeting in March.

Decommission Extraneous Town Street Lights

Mr. Boling stated that he would try to get the list of lights in the Town.

Old Business

Town Beach Renovation

Ms. Dupuis stated that she was opposed to the 6 ft tall fence that was installed. She stated that the plans indicated a 4 ft. tall fence. Ms. Frank stated that the plantings might improve the appearance.

New Business

Walker Brook Project

There was a brief discussion regarding the progress of the problems occurring at the development site in New Milford. Mr. Charles stated that the Northwest Conservation District is monitoring the property on a weekly basis.

2010 Goals

Mr. Dutton stated that he thought increasing public education, making information available and more visible. He stated that increased fines should be considered for violating regulations. Mr. Dutton suggested that the Conservation Commission have a five-year vision of properties that could be potential acquired for Open Space. He also suggested they initiate some sort of fundraising for the C.C.

Ms. Payne stated that she felt the Conservation Commission should work together with the Zoning Commission on the Conservation Design Subdivision. She stated she would like the Commission to work more on the Ridgeline issue.

Mr. Charles stated that the Town is facing zero funding for Open Space. He stated that there is an opportunity for people to get better use out of their land by considering open space. He stated there is no control regarding cutting trees and maybe there to better monitor this. He discussed the How To Do Land Use Manual and how to get it to the right people.

Mr. Boling stated that he feels the C.C. should add transfer of development rights to the list of goals.

Motion: to adjourn by Ms. Payne.

Ms. Payne adjourned the meeting at 6:25 pm

Submitted subject to approval,
Shelley White, Land Use Clerk