

# September 2, 2009

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

**Members Present:** Susan Payne, Kelly Boling, Linda Frank, Diane Dupuis, Dirk Sabin, Advisor

**Absent:** Phillip Markert, Ric Sonder, Alt. Betsy Corrigan, Alt., Phil Dutton, Alt.

**Staff Present:** Shelley White

**Guests:** Mark Lyon, 1st Selectman, Rocky Tomlinson

Susan Payne called the meeting to order at 5:00p.m.

Seated: Susan Payne, Linda Frank, Kelly Boling & Diane Dupuis

## **Consideration of the Minutes**

The Minutes of the July 1, 2009 will be reviewed at the October 7th Conservation Commission Meeting.

## **108 New Milford Turnpike Update**

First Selectman Mark Lyon was present to update the Commission on the potential purchase of this parcel. He stated that there had been a Phase I and Phase II Environmental Study performed on the property. The Phase II study was performed in a limited area of unnatural fill in which they found buried debris and an area of minor hydrocarbon contamination. LFR Principal Geologist Russell Dirienzo recommended that the Town ask the seller to remove all surface debris and further excavate the area of unnatural fill. Selectman Lyon stated that the Town and Washington Partners were in remediation when the deposit on the property was returned to the Town. Selectman Lyon sent a letter to Washington Partners, the seller, stating that the Town of Washington is still interested in the property but the Town is bound by a vote taken at the Town Meeting to purchase a property that has a satisfactory environmental report. Selectman Lyon asked that Washington Partners contact him if they are interested in working together to complete this transaction.

## **Cell Tower Update**

Ms. Dupuis discussed the possible siting of a cell tower on the Waldron property on Couch Road. She stated there has not been any progress regarding this site. Ms. Payne stated that at the July Meeting of the Conservation Commission Mr. Rocky Tomlinson stated there is a Connecticut State Public Act No. 04-226 that states the Connecticut Siting Council will provide a municipality technical assistance in preparing a plan to site cell towers. Ms. Payne stated that is not something the Siting Council has done with the Town of Washington. Mr. Tomlinson suggested that there should be a subcommittee that would work with the industry to develop a plan for coverage in the Town of Washington. Mr. Tomlinson stated he thought the Conservation Commission made decisions as to where a cell tower was placed. Mr. Boling assured Mr. Tomlinson that the Conservation Commission does not have any regulatory responsibility and is only involved with cell tower placement if there is a Conservation issue. Ms. Dupuis stated the Cell Tower Subcommittee meets when an application is presented. Ms. Payne stated she would talk with Selectman Lyon regarding Mr. Tomlinson's suggestion.

## **DOT – Route 202 Scenic Road Application:**

Ms. Payne stated she has not heard anything from the State of Connecticut Department of Transportation.

## **Beautification /Plantings at Town Beach**

Ms. Payne stated that she and Ms. Frank went to the Town Beach. The Conservation Commission looked at the Town of Washington, Proposed Renovations at the Town Beach, Landscaping Plan, dated 6/23/09, by Mr. Dirk Sabin, Landscape Architect. Ms. Frank stated that Ms. Payne suggested a table structure be

built over the well cover. Ms. Frank stated she was concerned with the line of visibility from the lawn for parents watching their children in the water. Mr. Sabin stated the proposed plan improves the view into lake from the intersection of Flirtation, West Shore & East Shore Road. He stated the plantings are based on State mandated NPDES (National Pollutant Discharge Elimination System) Regulations. He explained how the plantings work with the filtration system. There was a discussion regarding the proposed location of the swing set. Mr. Sabin stated that they would do some of the planting in the fall, depending on the weather, and some in the spring of next year. Ms. Dupuis stated that she felt that keeping the lawn space is important. They discussed the type and location of fencing and parking.

### **Natural Diversity/Critical Habitats Resource Map**

Ms. Corrigan submitted a draft of the Critical Habitats, Known and Potential Areas. The Conservation Commission would discuss the map with Ms. Corrigan at the October 7th Meeting.

### **Referrals**

There were no new referrals. The Conservation Commission looked at the Proposed Site Plan for Susan Rowe, 44 Kielwasser Road, 2 Lot Subdivision, by Brian Neff. No action was required.

### **Subcommittee Reports**

#### Conservation Design Subdivisions:

Ms. Payne stated that Mr. Sonder did some work with the Planning and Zoning Regulations. She stated that Mr. Sonder feels that there is some “good information in the regulations that are not necessarily being applied.”

#### Local Scenic Roads

Ms. Frank stated she had made some calls regarding Popple Swamp Road and that she would follow up on that. Ms. Payne stated that she would look at the list of roads that were recommended for Scenic Road Designation and the Conservation Commission could discuss it at the October Meeting.

### **Old Business**

#### Conservation Easement Model:

It was the consensus of the Conservation Commission that Ms. Payne and Mr. Boling would go over the comments from Attorney Miles and bring it back a final draft to the Conservation Commission. Ms. Payne stated Ms Corrigan emailed her with a concern regarding including herbicide use in the Conservation Easement Model. It was confirmed that under Grantor’s Reserved Rights, section 3.4 “allows the use of chemical herbicides when non-chemical eradication methods are impractical or ineffective.”

### **Other Business**

Ms. Payne informed the Conservation Commission that the Malkin Conservation Easement has been recorded.

There was a brief discussion on clear cutting and ridgeline regulations.

Ms. Payne stated that the Inlands Wetlands Commission would be looking at the affordable housing application for the Wykeham Rise site in the coming week.

Motion:

to adjourn by Ms. Payne.

Ms. Payne adjourned the meeting at 6:30 pm

SUBMITTED SUBJECT TO APPROVAL,

Respectfully submitted,  
Shelley White  
Land Use Clerk