

**East Haddam
Conservation Commission**

December 7, 2010

Adopted January 4, 2011

1. Call to Order

The Regular Meeting of the East Haddam Conservation Commission was held on Tuesday, December 07, 2010, at 7:04 PM at the River House. Cynthia Matthew being in the Chair and the Secretary being Present.

a. Roll Call

Cynthia Matthew, TJ Tarbox, Peggy Carlson, Scot Mackinnon, Nancy Mackinnon, Todd Gelston, Sue Merrow. Others present: Emmett Lyman, Claire Maeder, Randy Dill, Rob Smith, Dylan Mackinnon

2. Approval of Agenda

Motion by Mr. Mackinnon to approve the agenda. Second by Ms. Mackinnon and unanimously approved.

3. Approval of Minutes for 11/4/10

Motion by Mr. Mackinnon to approve the minutes as presented. Second by Mr. Gelston and unanimously approved. Ms. Mackinnon abstained.

4. Review of 2011 Meeting schedule

Ms. Hawkins provided the 2011 meeting schedule; the Nov. 2011, meeting was moved to Thursday to accommodate Election Day. Ms. Hawkins will provide the meeting schedule to Ms. Denette and will book The Riverhouse for the meetings.

5. Discussion with Randy Dill: proposal to remove CC seat from IWWC ordinance

There is a proposal on the table before the Selectmen for IWWC to remove the CC designation on one seat. Mr. Dill attended to discuss the proposal. Ms. Hawkins, Recording Secretary read selections from the Selectmen's Meeting minutes delineating the record of the IWCC ordinance and adoption and the inclusion of CC designated seat. There is no record as to why the CC seat is on the IWCC, but Mr. Gelston will call Mr. Sid Quarrier, who initially brought the new state regulation regarding Inland Wetlands forward. Mr. Gelston will also discuss the matter with a lawyer that he knows to get further information. Ms. Hawkins will review the CC meeting minutes from 1974 and 1994 to determine if any recorded discussion exists on this matter.

Mr. Dill provided rationale as to why the issue has been raised to remove the CC designation on one seat. 1) There is supposed to be and have been a CC member sitting on the IWCC for years now and it has not been in effect. 2) Three or four years ago, a CC member was chosen who was unable to attend. 3) Conflicts can arise if the CC and IWCC member discusses matters before IWCC; the CC member cannot discuss IWCC applications with the CC while the matter is open for public hearing as doing so would place the IWCC in legal jeopardy (Mr. Dill noted that while matters are in public hearing mode before the IWCC, IWCC members cannot engage in conversations outside the public hearing so as to ensure all IWCC members hear the same information). 4) The IWCC is having an issue with quorum numbers and the CC seat has hampered getting additional members. The IWCC would like to instead invite the CC to a meeting to hear about the items before the IWCC, which

would not put the IWCC in a questionable legal status. Mr. Dill noted that he has been on the IWCC for over 20 years and there has not been an active CC member on IWCC in that time. To sit on the IWCC, there are some training programs and legal updates on regulations provided by the government. IWCC is a regulatory body and has power to stop development. There are 4 members on the IWCC with a 5th member being designated to a CC member and 2 alternates.

Ms. Matthew noted from Ms. Hawkins review of her findings that CC appears to be the entity that proposed the existence of the IWCC.

Ms. Mackinnon recalled discussion when Mr. Gibson was CC Chair, that there could be a conflict of interest or prejudgment. This conflict of interest item was discussed at a previous CC meeting during which Ms. Matthew has been Chair. Mr. Dill noted that if a CC member brings information back to the CC from the IWCC and provides rationale as to why IWCC should decline a subdivision or development application, that CC member could be accused of pre-judgment. Mr. Dill noted that the IWCC wants to receive the information from the CC to include for IWCC consideration. Having the CC provide information at a public hearing provides the IWCC with the information they need without the potential legal conflict of interest. Ms. Matthew noted that if the CC considers an IWCC issue for the purposes of advisement, the CC/IWCC member would recuse him/herself from the CC meeting in which this topic is discussed, and that would be the customary practices for a regulatory commission.

Mr. Mackinnon asked if the reverse would be an issue – if an IWCC member became a CC member, would there be a conflict of interest? There is nothing to prevent an IWCC member from becoming a CC member.

Mr. Gelston noted that every member of the IWCC is supposed to act in the best interest of the town and every member of the CC is supposed to act in the best interest of the town as well. Mr. Gelston noted that he did not understand the conflict of interest. He also noted that IWCC has quite a bit of power and an extremely important job and feels that the CC should do everything they can to help the IWCC be successful. The main reason why this issue is being raised is due to the fact that IWCC is having problems getting a quorum to hold their meetings, but Mr. Gelston would like to have further information before he provides his input.

The goal is to make the CC as strong and clear a voice to the community as possible. In the past, the CC has not been made privy of walks and such to assess environmental issues and the like. The most important thing is that the CC be notified so that the CC can provide information to the IWCC.

Mr. Tarbox noted that he feels it would be better for the town to have another person involved in the IWCC outside the CC.

Ms. Maeder asked Mr. Dill how the CC gets notified of upcoming hearings. Mr. Dill noted that he typically asks Mr. Ventres to include the CC.

Ms. Merrow noted that the IWCC has the quorum challenge partly due to the CC, so the CC needs to help resolve. In addition, the CC needs to think about what is the best way to get the most out of the relationship between CC and IWCC. Ms. Matthew asked the CC members to think about Ms.

Merrow's comments.

Ms. Carlson noted that when Mr. Russell was the CC member on the IWCC, he was in an untenable position between the two.

Mr. Dylan Mackinnon noted that the CC's main interest is to preserve open space while the IWCC is related to protecting wetlands in regards to development.

Ms. Matthew noted two things – 1) she has heard on one fairly recent application before the IWCC, the IWCC ridiculed the CC's input that was provided at a public hearing and future collaboration is needed to make it work well and 2) it makes good sense to understand the basis of the CC seat before a change is made.

6. Subcommittee workgroups
The commission broke up into small groups to discuss their subcommittees.
7. Subcommittee updates and considerations
Forestry management – The cord wood logger, who uses small equipment and is a sustainable forester, is on Rose Farm Homestead, harvesting the down/dead trees. A press release will be provided in the Reminder News to provide people with a reminder of what the logger is doing. Ms. Mackinnon asked that a very careful definition of the work being completed on Rose Farm Homestead be included in the article. Her concern is that the public understands that the logging is being conducted to not only maximize profits but to protect the open space and trees. The cord wood logger provided a \$300 check even before the logging started. The forester has been retained to evaluate the timber value on the Town Beach property. The committee may look at another property instead of logging the Town Beach property as the value of timber is low right now due to the economy.
Plant and Bird inventory – Ms. Mackinnon and Ms. Carlson will check with Martha Tonucci to see if the CT Audubon Society will be willing to conduct an inventory on the Shoe Rock property next. Mr. Mackinnon mentioned that at a recent walk with the son of the caretaker of Shoe Rock, the son of the caretaker mentioned they called the property Brook House. Mr. Smith walked Shoe Rock to find the trail that April noted last time and found it but noted it will be impractical to rebuild.
Trail guide – All maps except for 2 properties have been provided. Mr. Tarbox will write up the Urbanik property and provide to the Recording Secretary. The guide is in great shape and will be ready for electronic publishing within a month.
8. Next meeting – Regular meeting, Tuesday, January 4th
9. Other discussion
Ms. Matthew circulated several documents. She asked if the CC had any comments on the Events article. No comments; the group thought it looked fine and is timely.
Ms. Matthew noted that the P&Z has been working for some time on zoning regulation changes, including reinstatement of flag lots, buffering, camp ground regulations and more. Copies have been provided to the CC. The CC is asked to review the documents and provide Ms. Matthew input as to whether or not the CC needs to consider providing input from an advisory standpoint on the proposed changes. The question to answer – Is there any potential on adverse impact on natural resources that needs to be noted by the CC? Mr. Lyman noted the flag lot issue has been mentioned by developers who have noted that because there are no flag lots allowed, additional houses have been added to pay for roads to be built to get to what would have been flag lots.
Ms. Matthew discussed the Town of Lyme's regulation and provided a handout of the Open Space requirements within the Town of Lyme.
Ms. Matthew had a conversation regarding the Yale Forestry Grad Student proposal. The CC provided a proposal to the Yale School but the proposal was not germane to the coursework that they do. Ms. Matthew had further conversation with the Yale school which covers the legal, management and organizational side of land conservation. There are 20 students who pair up and choose an internship around easement policies, encroachment issues, public relations and public outreach, creating public education and brochures, etc. Gaps that exist are related to open space ordinance work and outreach to the public, which could be a public relations project that they do the work for. That would be the kind of project that could be completed for the CC. Mr. Gelston noted

that taking the trail guide and creating an advertising campaign using the students is one idea. Ms. Matthew will send out a summary of the Yale school conversation and asked that the group send her information for inclusion within the proposal for them.

Ms. Matthew brought forward a bill for the boundary markers for \$509.00. Motion by Mr. Gelston to approve the bill payment, second by Mr. Tarbox, unanimously approved.

Next Monday, Dec. 13, is the Board of Finance meeting in the next step to hold a referendum to vote on the Harris, Dean and Bogan open space property. Mr. Gelston asked that all the CC members attend to provide support. Mr. Gelston will provide the location of the meeting to the Recording Secretary to provide to the CC.

Mr. Lyman asked if Mr. Tarbox minded being selected as Volunteer of the Month. Mr. Tarbox indicated he would not mind. Mr. Tarbox also noted the Urbanik property parking area has been marked out and asked Mr. Lyman to provide an update to Mr. Walter.

10. Adjournment

Motion by Mr. Mackinnon to adjourn, second by Ms. Mackinnon, unanimously approved. Meeting was adjourned at 9:05 pm.

Respectfully submitted,

Shannon A. Hawkins
Recording Secretary

Attachments:

- State of Connecticut Open Space Grants Ceremony brochure, Thursday, October 14, 2010
- The Habitat, Fall 2010, Volume 22, Number 3
- Planning and Zoning Commission, Land Use Office memo regarding the Annual Review of the Plan of Conservation and Development
- Planning and Zoning Commission, Legal Notice packet regarding the January 25, 2011 Public Hearing
- Inland Wetlands and Water Courses Commission ordinance
- 2011 Conservation Commission meeting minutes schedule
- 5.10 Open Space from Town of Lyme
- March 6, 1974 Selectmen's Meeting
- June 5, 1974 Selectmen's Meeting
- July 17, 1974 Selectmen's Meeting
- Town of East Haddam Notice for Special Town Meeting
- Special Town Meeting, October 29, 1974
- IWCC Amendments