

**East Haddam  
Conservation Commission**

January 4, 2011

Adopted February 10, 2011

1. Call to Order

The Regular Meeting of the East Haddam Conservation Commission was held on Tuesday, January 4, 2011, at 7:08 PM at the River House. Cynthia Matthew being in the Chair and the Secretary being Present.

a. Roll Call

Cynthia Matthew, TJ Tarbox, Scot Mackinnon, Paul Stuhlman, Peggy Carlson, Todd Gelston, Sue Merrow. Others present: Emmett Lyman, Rob Smith

2. Approval of Agenda

Motion by Mr. Mackinnon to approve the agenda as presented with the 20 minute time limit to discuss item #4. Second by Mr. Stuhlman, approved 5, opposed 1.

3. Approval of Minutes for 12/7/10

Motion by Mr. Mackinnon to approve the minutes as amended. Second by Ms. Merrow and unanimously approved. Mr. Stuhlman abstained.

4. Discussion of proposal to remove CC seat from IWCC ordinance

Mr. Mackinnon talked with Mr. Dill further, and noted Mr. Dill wanted to highlight that when the seat was provided to the CC, society was much less litigious and was in a different time/atmosphere than exists today. Mr. Dill also noted that Mr. Ventres was also involved in the creation of the chair, and he filled the position during that time.

Ms. Matthew researched the item as well and provided handouts that summarized background information. Handouts note that the IWWC and CC have shared mission, the state gives towns substantial flexibility in enforcing the IWW act and many towns have combined IWWC and CC. The advantage of having separate commission avoids CC activities getting lost to IWWC regulatory responsibilities.

Mr. Gelston talked with Mr. Quarrier, and a write up of that conversation was provided to the CC, which is included within the minutes.

Ms. Merrow noted that her husband, Art, was on the CC in 1974 when this question came about. He noted that the CC was created first, before the IWWC was formed, and the State had the responsibility to regulate IWWC before it delegated back to the towns.

Mr. Mackinnon noted that other towns have similar discussions around combining Planning and Zoning Commissions and how to handle seats on those commissions as well.

Mr. Gelston noted that marginal land is being developed for which there will be development issues. The town needs to make smart environmental decisions. In addition, there is a dearth of volunteers in this day and age. Mr. Gelston noted that we need to educate the public about the need for volunteers. Mr. Tarbox suggested to Mr. Lyman to look at the community to find people who will serve on the local commissions with no self-serving agenda.

Mr. Lyman noted that the IWWC has a legal requirement to be circumspect and ensure the regulations are enforced fairly and across the board. There is a potential for litigation for the IWWC members as well as Planning & Zoning.

Mr. Smith noted that the main issue is that if the CC is going to keep a seat, is the CC going to be able to provide a member who can actually attend the IWWC meetings?

Mr. Gelston asked what the vehicle is for the CC to provide input to the IWWC. Ms. Matthew noted that in her 5-year period as Chairperson, the CC has only provided review and comments on 1 or 2 of them. There was not a precedent in recent years to provide input on IWWC matters.

Mr. Stuhlman noted that the spirit of why IWWC has a dedicated CC seat makes sense, however there are other factors that now make it a bit impractical. He suggested finding ways to keep the spirit of the connection.

Ms. Merrow noted that discussion has not shown that the CC has the ability to reliably fill the CC seat on the IWWC. Any change to the ordinance requires a Town Meeting to be approved so the CC needs to be prepared to provide the Selectmen with what changes it is recommending to the ordinance if the CC wants additional changes made to it.

There are several proposals to amend the regulation for consideration:

1. Change the CC seat currently filled by a CC member to be a seat that the CC can provide recommendations on potential candidates to fill.
2. Change the CC seat currently filled by a CC member to become a seat that the IWWC fills and that member becomes an affiliate CC member.
3. If the CC linkage to IWWC is removed, request the Board of Selectmen to put in place structure such that the CC must be notified of any environmental issues and applications before the IWWC so that the CC can fulfill its mission acting as an advisor to the IWWC.
4. Request the Board of Selectmen to put in place structure such that the CC reviews and provides comments on each application for IWWC members, regardless of whether the CC has a seat or not.
5. Remove the CC seat and instead move the CC relationship with IWWC to be based more on feedback on stewardship of any open space within proposed subdivisions.
6. If the CC seat is removed, add language to the ordinance that there will be fixed direct communications between IWWC, land use staff and the CC.
7. If there is not a CC member available who can serve on the IWWC, then another member of the community can be appointed by the Board of Selectmen to fill the seat on IWWC, leaving the CC seat intact.

The argument to sever connections:

- a) Practically unlikely that someone can sit on both commissions
- b) It has been argued that there could be a potential conflict of interest for the CC member on the IWWC.

The argument to retain the connections:

- a) Retains a CC perspective
- b) It is current law.
- c) While there does not appear to be a practical way to fill it, in the future, there may be the ability to fill the seat per its original purpose.

Part 1 Motion by Ms. Merrow to recommend to the Board of Selectmen that the ordinance be altered to state that if the CC seat cannot be filled by the CC within some time certain that the Selectmen be empowered to fill the seat via their standard process, which includes CC input. Second by Mr. Tarbox, unanimously approved.

Part 2 Motion by Mr. Gelston to recommend to the Board of Selectmen to put in place structure such that the CC must be notified of any environmental issues and applications before the IWWC so that the CC can fulfill its mission acting as an advisor to the IWWC. Second by Mr. Tarbox unanimously approved.

Ms. Matthew will be notified when this item is on the Selectmen's agenda for discussion and asked the CC to attend the meeting.

Ms. Matthew asked that the Recording Secretary send around the synopsis of the discussion so that the CC members can have the information available for the meeting.

5. Subcommittee workgroups  
Tabled to next meeting.

6. Subcommittee updates and considerations  
Tabled to next meeting.

7. Next meeting – Regular meeting, Tuesday, February 1<sup>st</sup>

8. Other discussion

Mr. Tarbox noted a Hartford Courant article where loggers for a wind mill project were clear-cutting onto state forest property. Mr. Tarbox noted that due to that article, he has, and will continue to do so in the future, pull all A-2 surveys prior to any logging activity consideration.

Forest consulting bill has been provided for data entry, GIS Maps, Nichols walkthrough, etc. for \$742.50. Motion by Mr. Tarbox to approve payment of the invoice. Second Mr. Mackinnon, unanimously approved.

Hearing date set for the Planning and Zoning regulation changes (flag lot restoration, increasing the side lot buffers, camping regulation changes, outdoor wood furnaces, etc.) – date is 1/25/11 and all CC members are encouraged to attend.

Ms. Matthew noted that Bettina Lyons has provided some very exciting material on the Pizzinni property including pictures, some showing the damage done during the 1982 flood. She provided a narrative and sent a CD of pictures and materials on the property. She also noted that Shoe Rock is actually known as Boot Rock. This information will be disseminated at a future meeting.

At the next meeting, discussion of electronic meeting materials will be discussed as well.

Open Space referendum will be held within a month or two to approve the new properties for purchase.

The article was accepted into the latest Events magazine.

The CC's proposal will be included in the Yale forestry student project offering, and the CC may have an intern in the fall.

Mr. Tarbox asked that the CC think about the name of the Heritage Brook property. He reviewed the land records to trace the deed and has traced it back to 1928. In 1928, it was sold to the EH Fish and Game from the Rochman family, which used the Baron de Hirsch fund to provide the mortgage.

This fund helped a number of Eastern European families to settle in the area. Mr. Tarbox noted that

Dylan Mackinnon suggested the name, Wolf Tree, due to the 5-6 stately oak trees on the property. The naming of Heritage Brook property will be discussed at the next CC meeting.

Mr. Mackinnon asked that the CC discuss at the next meeting, the topic of including an explanation of the hunting seasons on signage for the properties so that hikers, birders, hunters, etc. all are aware and avoid potential conflicts.

9. Adjournment

Motion by Mr. Mackinnon to adjourn, second by Mr. Tarbox , unanimously approved. Meeting was adjourned at 9:00 pm.

Respectfully submitted,

Shannon A. Hawkins  
Recording Secretary

Attachments:

- CTM for Conservation Commission January 4, 2011
- Conservation Commission proposal to the Yale School of Forestry Grad students, dated Dec. 19, 2010
- Background for discussion of Summary of IWWC proposal, CC meeting January 4, 2011
- Email from Cynthia Matthew on CT DEP "A Citizen's Guide to Participating in the Municipal Regulation of Inland Wetlands and Watercourses
- Summary of a 12/10/10 Telephone Conversation with Sid Quarrier