



**TOWN OF WESTBROOK
CONSERVATION COMMISSION**

Mulvey Municipal Center
866 Boston Post Rd.
Westbrook, CT 06498
Tel. 399-3046 – FAX 399-2084

**Westbrook Conservation Commission Regular Meeting Minutes
Tuesday, May 21, 2013 7:00 p.m.
Mulvey Municipal Center - South Meeting Room
(Unapproved)**

Members Present

Tom ODell, Don Harger, Bob Peterson, Mike Oryl, John Rie, Randy Bell, Marty Marx

Call to Order

Chairman Tom ODell called the regular meeting to order at 7:00 p.m.

Minutes- April 16, 2013

MOTION: to approve the minutes of April 16, 2013 as presented.;**MADE:** by D. Harger;
SECONDED: by J. Rie; **VOTED IN FAVOR:** B. Peterson, D. Harger, J. Rie, R. Bell, M. Marx,
M. Oryl; **OPPOSED:** none; **ABSTAINED:** none: **APPROVED:** 6-0-0.

Bills

MOTION: to pay \$143.00 to Kathleen Noyes, Conservation Commission Recording Clerk. ;**MADE:** by M. Oryl; **SECONDED:** by D. Harger; **VOTED IN FAVOR:** B. Peterson, D. Harger, J. Rie, R. Bell, M. Marx, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none: **APPROVED:** 6-0-0.

MOTION: to pay \$327.24 to New England Power Equipment, Inc. for a chainsaw, a gas can and gas. ;**MADE:** by M. Oryl; **SECONDED:** by J. Rie; **VOTED IN FAVOR:** B. Peterson, D. Harger, J. Rie, R. Bell, M. Marx, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none: **APPROVED:** 6-0-0.

Correspondence

The following correspondence was received: Zoning Commission Minutes from 4/23/13, Inland Wetland Commission Minutes from 5/7/13 and the Inland Wetland Agent's Report for April.

Chairman's Report

MOTION: to add under **Old Business, Reconsider Redwood Common.**; **MADE:** by B. Peterson; **SECONDED:** by J. Rie; **VOTED IN FAVOR:** B. Peterson, D. Harger, J. Rie, R. Bell, M. Marx, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0.

MOTION: to add **Hiring Temporaries** under **Chapman Mill Pond Open Space.**; **MADE:** by M. Marx; **SECONDED:** by M. Oryl; **VOTED IN FAVOR:** B. Peterson, D. Harger, J. Rie, R. Bell, M. Marx, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0.

Town Planner Meg Parulis and Rick Potvin, Manager, USFWL Stewart McKinney National Fish & Wildlife Refuge, presented more in depth information about the Redwood Common conservation restriction, and they asked the CC to reconsider supporting the conservation restriction.

At the 4/16/13 CC meeting, Commissioners denied the conservation restriction because it was close to the houses making it difficult to enforce, and there were storm water galleries underneath.

M. Parulis explained that the applicant could have applied under the affordable housing 8-30g, but instead opted to file the application under the IHZ (Incentive Housing Zone) because the applicant chose to preserve an old house that was potentially eligible for historic registry. The historic fabric of the second house on the property is no longer there, therefore, that house is being taken down. The IHZ designation also required that a portion of the land be designated as open space; the proposed 30' buffer/conservation restriction between the development and the refuge would serve that purpose.

R. Potvin said they also had concerns about trespass, increase of invasive species and cats coming on the refuge and killing the birds. They want the buffer to delineate between the wetlands and the natural buffer, and use it to mitigate potential adverse effects. They plan to grow and maintain a 30' scrub shrub buffer habitat to keep invasive plants out of the buffer area, they will request that residents only plant native, non-invasive species in the development.

Commissioners expressed concern about the ability of site to handle the septic systems.

M. Parulis said that all the test wells indicated the site would be able to handle the proposed septic but was still being reviewed. She noted that the proposed systems were new technology, and it should not pose any problems to the conservation area.

J. Rie asked about how the USFWLS would keep people from walking out on the conservation easement since it would essentially be their backyard. R. Potvin explained that once the shrub scrub buffer filled in, people wouldn't really be able to walk there. Also, there will be 4 witness posts to delineate the boundary of the conservation easement and that USFWLS staff will be regularly checking the area. At some point in the future, perhaps a trail can be created there.

T. ODeIl expressed concerns about enforcement. He asked that the conservation easement language be easy to interpret and that it stay with the Conservation Commission. He said he wanted it to be clear who is enforcing the ordinance and for what purpose the ordinance is specifically there. M. Parulis said that enforcement for this area could be handled by the Town's Zoning Enforcement Officer if Conservation does not agree to be responsible and that she, as Town Planner, would assist with enforcement.

R. Potvin explained that the USFWL would enter into a 10 year landowner's agreement once the Town had a conservation restriction on the 30' buffer which both USFWLS and the Town of Westbrook would sign. The USFWLS will renew the agreement after 10 years if all parties are agreeable. R. Potvin will send T. ODell a template of the agreement for the CC's review.

M. Parulis said she will draft the agreement, and conditions of approval will be that the CC can approve the final language for the conservation restriction.

MOTION: that the CC will agree to a conservation restriction for the 30' buffer between the proposed Red Wood Common development and the , USFWL Stewart McKinney National Fish & Wildlife Refuge, contingent on the USFWL providing for and maintaining a 30' shrub scrub buffer between their property and the housing development.; **MADE:** by J. Rie; **SECONDED:** by M. Oryl; **VOTED IN FAVOR:** B. Peterson, D. Harger, R. Bell, M. Marx, J. Rie, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0.

Open Space Program

Chapman Mill Pond Open Space

>> Proposed State purchase of land with dam; important update

The Sciongay's lawyer contacted T. ODell to notify him that a letter of intent to buy the Sciongay property has been signed by the state.

>>USFWL COOP: Update, action as needed

T. ODell noted that the 2012 USFWL Coop extension provides \$4,000 for eliminating ruts in emergency road and control of invasive species as part of vernal pool management; it does not provide for funds for vernal pool educational signage. John Riggio is trying to make time to come out to inspect the emergency road to make recommendations and determine if town road maintenance trucks can assist in delivering the material that the CC buys.

>>Trail work for CT Trails Day Hike June 1

Brendan started working on the trail at Chapman Mill Pond on 5/19/13. T. ODell will be working with him this week. Work should be completed by 6/1/13.

Marty Marx's son, Marty P. Marx, is going to be co-host with T.ODell for CT Trails Day.

>>Hiring Temporary Workers

T. ODell advertised at the Shoreline Summer Job Fair for the position of Student Temporary to work on trail maintenance and invasive plant control on the town's Open Space sites. He has interviewed 2 potential candidates. Marty P. Marx is interested in the job, and there is a young man from Guilford that T. ODell has spoken with as well. T. ODell said he'd like to hire both young men for the job.

>> Temporary Parking Signs

B. Peterson has completed the temporary parking signs for Chapman Mill Pond.

Salt Island:

>>Barrier Islands Steering Group Meeting –review

There was a meeting on 5/6/13 meeting. T. ODell said if anyone would like to join the steering committee or be on the e-mail list for this group, they should contact bresline@comcast.net.

>> Barrier Island Coop: enforcement

Additional patrols for patrolling the 3 barrier islands may depend on constables ability to work overtime. Constable salary negotiations won't be completed until 7/1/13, so additional patrols can't be scheduled yet. T. ODell is going to follow up on this.

>>Educational signs: Audubon grant update

The first draft of signage for Middle and Main beach will be available soon for review by commission. The USFWL staff time for developing signage has been limited by reduction in funds (sequester), and reduction in staff.

Salt Island Overlook:

>> Invasive Plant Workshop:Update

T. ODell has not made any progress. R. Potvin has been too busy to schedule workshop with Oxford Academy. They may try to schedule something for the summer session.

T. ODell would like to be able to find money in the budget for a weed whacker with a brush cutter.

Old Business:

>>As needed

There was no other Old Business other than Redwood Common which was discussed at the beginning of the meeting.

New Business

>>As needed

There was no new business.

Reports

Planning Commission

Zoning Commission
Inland Wetlands Commission
Harbor Commission
Town Center Committee
Adopt –A- Spot

There were no new commission reports.

MOTION: to adjourn the meeting at 8:30 p.m. until the next Regularly Scheduled Meeting of the Westbrook Conservation Commission which will be on Tuesday, June 18, 2013 at 7:00 P.M. in the South Meeting Room of the Mulvey Municipal Center, 866 Boston Post Road.; **MADE:** by D. Harger; **SECONDED:** by M. Marx; **VOTED IN FAVOR:** D. Harger, J. Rie, B. Peterson, M. Marx, J. Rie, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none.; **APPROVED:** 6-0-0.

Respectfully Submitted,

Kathleen Noyes

Recording Clerk

cc: Planning Commission

Zoning Commission

Inland Wetlands & Watercourses Commission