



**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, August 21, 2012 7:00 p.m.
Mulvey Municipal Center - South Meeting Room
(Approved)**

Members Present

Tom ODell, Marty Marx, Don Harger, Bob Peterson, Mike Oryl, Randy Bell, John Rie, *arrived at 7:18 p.m.*

Excused Absences

None

Call to Order

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

Minutes- July 17, 2012

MOTION: to approve the minutes of July 17, 2012 as presented.;**MADE:**by R. Bell; **SECONDED:** by M. Marx;**VOTED IN FAVOR:** B. Peterson, M. Oryl, R. Bell, M. Marx, D. Harger; **OPPOSED:** none; **ABSTAINED:** T. ODell; **APPROVED:** 5-0-1:

Bills

MOTION: to approve the time sheet submitted by Kathleen Noyes, Conservation Commission Recording Clerk, for \$148.50.; **MADE:** by D. Harger; **SECONDED:** by M. Marx; **VOTED IN FAVOR:** T. ODell, B. Peterson, M. Marx, D. Harger, R. Bell, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0:

Correspondence

The following correspondence was received: a letter dated 6/ 5/12 from the DEEP granting approval for a permit for 54 Captain's Drive, a letter from the DEEP Bureau of Materials Management and Compliance Assurance Water Permitting and Enforcement Division dated 7/13/12 regarding Notice of Tentative Determination General Permit Domestic Sewage, the Inland Wetlands Agent report for June & July, IWWC minutes from 8/7, 7/10,6/5 and ZC minutes from 7/24, 6/26 & 6/13 & 5/22, a newsletter from the CT Association of Conservation & Inland Wetlands Commissions for Summer 2012 and the Wetland Assessment Report for Middlesex Hospital from Fuss & O'Neill dated April 2012.

Chairman's Report

Conservation Commission Intern, Brendan Gooley, worked 206.5 hours over the summer. 102 of those hours was spent working on Salt Island Overlook. The work on SIO goes into matching funds for the CC's grant. This is Brendan's 6th year working with the Westbrook CC. He is starting UConn Law School this week.

Open Space Program

Salt Island: Management responsibilities (see attached)

Audobon Grant (see attached proposal/response)

T. ODell worked on the application with Rick Potvin from McKinney Wildlife Service. The management part of the application will be on the agenda for the 8/23/12 Selectmen's meeting.

Proposed "Town Use Ordinance": update

T. ODell reported that the Planning Commission has submitted their recommendations for the town use ordinance update. He reviewed the definition of town owned property versus public property. He shared a letter dated 8/21/12 from Meg Parulis, Town Planner to Noel Bishop, First Selectman re: proposed use of town property ordinance reviewing Section 2-4 (a), (c), (d), (e), (f).

Horse Hill Woods; temporary trail map

T. ODell handed out a copy of a map entitled, "Horse Hill Woods Trail Network & Natural Features of Interest", with a brief history on the back. This map is on file at the Town Hall. Brendan did some final weed whacking at Horse Hill Woods last week.

The Horse Hill Woods trail sign needs to be cleaned and sealed. T. ODell asked if anyone would volunteer to clean and seal it. R. Bell offered, and T. ODell said he would get the sealer to him.

Salt Island Overlook: Cooperative Agreement with Oxford Academy (see attached)

T. ODell amended item #A3 on page 2 of the Agreement based on Town Attorney Michael Wells' suggestion. Also, T. ODell talked with Attorney Mike Wells about the insurance concerns Commissioners raised at their 7/17/12 meeting. Attorney Wells said the current insurance policy has sufficient coverage.

<p>MOTION: to approve the revised Cooperative Agreement between Westbrook Conservation Commission and Oxford Academy concerning training and implementation of invasive plant control at Salt Island Overlook; revisions as per recommendations of Attorney Michael Wells in letter to First Selectman Noel Bishop, dated 7/24/12.; MADE: by D. Harger; SECONDED: by J. Rie; VOTED IN FAVOR: B. Peterson, T. ODell, M. Marx, J. Rie, D. Harger, R. Bell, M. Oryl; OPPOSED: none; ABSTAINED: none; APPROVED: 7-0-0:</p>

Oxford Academy has requested that an invasive plant program be presented to the whole student body. Following the talk, the students can work on the site. The Cooperative Agreement with Oxford Academy is on the agenda for the Selectmen's meeting on 8/23/12.

Standard Woods Open Space; trail and sign posting

T. ODell showed Commissioners a map of where the trail is, where the signs are posted, and where the town’s open space is.

ATV damage to open space: Update, article in Events

T. ODell showed Commissioners the article in Westbrook Events Magazine Quarter 3, 2012 on ATVs. The possible purchase of an ATV is on the agenda for the 8/23/12 Selectmen’s meeting. Trooper Hart will be at that meeting.

Chapman Mill Pond Open Space: USFWL grant-emergency road work, trail work, Route 145 parking, lake management, fencing from private land

The BOS approved it, and the BOF appropriated \$7,000.00 for it. T. ODell had a map to show Commissioners the trail off of Route 145, the bypass, and the road where the hemlocks and other trees came down, likely from Hurricane Irene. T. ODell showed the letter sent out to bidders explaining in detail the work that needs to be done. The trees can be left where they are as long as they’re off the side of the road. No chipping is needed. One bid bid has been received so far. The work must be completed by 9/30/12 per the stipulations of the grant.

R. Bell expressed concerns about safety for those parking and crossing Route 145. Commissioners agreed it would be best to ask people to park on the western, grassy side of Route 145 and not the eastern side.

MOTION: to encourage the public to park on the western side of Route 145 on the grassy area of town property; **MADE:** by R. Bell; **SECONDED:** by D. Harger; **VOTED IN FAVOR:** B. Peterson, M. Marx, J. Rie, D. Harger, T. ODell, R. Bell, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 7-0-0:

Attorney Michael Wells and T. ODell met with First Selectman Noel Bishop to discuss the proposed management agreement between Harriet Sciongay and the Lake Laconia Estates Homeowners’ Association and the Town of Westbrook dated 5/21/12 drafted by the Sciongay’s attorney Alan Smith. In the original agreement, management volume 230 page 641, the Sciongay’s were responsible for the cost of the repair and maintenance of the dam. The Town of Westbrook and the Sciongay’s split the cost of the Lake Laconia treatments.

Commissioners discussed concerns that under Item D under the drafted agreement, the Association and the Town of Westbrook would relinquish their rights to enter upon land containing the dam for the purpose of maintaining the dam. They agreed that the Town has a right not an obligation to operate and maintain the dam. The Town does not want to relinquish that right.

MOTION: to adopt motion 1 as printed, “regarding the Draft Lake Management Agreement Amendment dated 5/21/12 sent by Sciongay’s Attorney, Alan Smith, the Commission’s recommendation to the Board of Selectmen is as follows: “1. Under “Recitations” Westbrook Side, the following is added: “Upon acquisition of the 83 +/- acres, the Town became owner of approximately one half, and Sciongay the owner of approximately one half of Chapman Mill Pond, also known as Lake Laconia.; **MADE:** by J. Rie; **SECONDED:** by M. Marx; **VOTED IN FAVOR:** M. Marx, J. Rie, D. Harger, T. ODell, R. Bell, M. Oryl; **OPPOSED:** none; **ABSTAINED:** B. Peterson; **APPROVED:** 6-0-1:

MOTION: to adopt motion 2a as printed, “Agreement item D. The Town of Westbrook should be removed from Item D. The Town should not relinquish and waive rights it may have to enter upon the land containing Chapman Mill Pond dam for the purpose of operating, repairing or maintaining the Dam. As the approximate one half owner of the lake, under Common Law, the Town has a right but not the obligation to operate, repair or maintain the Dam relative to the interests of Town residents.”; **MADE:** by J. Rie; **SECONDED:** by M. Marx; **VOTED IN FAVOR:** M. Marx, J. Rie, D. Harger, T. ODell, R. Bell, M. Oryl; **OPPOSED:** none; **ABSTAINED:** B. Peterson; **APPROVED:** 6-0-1:

MOTION: to adopt motion 3 as printed, “Agreement Item H. Change to, To further and fully effectuate the aforementioned Lake Management Agreement and supplemental addition to the 2002 Management Agreement between the Town of Westbrook and the Developer, the Developer and the **Westbrook Board of Selectmen** agree to join in support of the Lake Laconia Homeowner’s Association, Inc.’s application to, and for, the Clinton Planning and Zoning Commission’s adoption and approval of said Management Agreement and its supplemental addition to the extent that said Management Agreements may modify the prior aforementioned Declaration of Covenants, Conditions, and Restrictions dated January 27, 1994 and any related subdivision approval conditions reflected in the related subdivision map.”; **MADE:** by R. Bell; **SECONDED:** by J. Rie; **VOTED IN FAVOR:** M. Marx, J. Rie, D. Harger, T. ODell, R. Bell, M. Oryl; **OPPOSED:** none; **ABSTAINED:** B. Peterson; **APPROVED:** 6-0-1:

Susan E. Regan: 15 acre landlocked salt meadow; offered to town: Update
T. ODell had nothing new to report at this time.

Mulvey Environmental Walkway: Seasonal wrap up
Brendan spent a day and a half knocking down phragmites here.

Old Business

Nutrient and Sediment Mitigation in the Coastal Menunketesuck and Patchogue Rivers: Survey Completed: Next steps

T. ODell thanked D. Harger and J. Rie for helping with this project by taking Conservation District staff out in their boats to complete the survey. He has a final meeting next week with Julie Blum.

Inland Wetlands Referrals:

1950 Boston Post Road, restaurant, miniature golf, 10 room- inn Detention basins and grading in regulated area: IWL Public Hearing continuance to September 4, 2012

The IWWC voted to continue the Public Hearing until further engineering reports can be reviewed.

250 Flat Rock Place, Middlesex Hospital, clearing, grading and construction of portions of the parking access, septic system, helipad and stormwater management system: Update

The IWWC approved this application with the stipulations referred to in the IWWC's 8/7/12 Regular Meeting Minutes. The Zoning Commission also approved it. T. ODell said the CC's comments were addressed.

Zoning Referral

Z2012-11; 250 Flat Rock Place – Special Permit Application proposed Emergency/ ambulatory out-patient medical care facility (Middlesex Hospital) – Public Hearing continued August, 2012

New Business - As needed

Reports

Planning Commission

Mr. Russo talked to Town Planner Meg Parulis about using the Russo property as an affordable housing site. The property is not near a main area of town, and it would be very expensive to make the property easily accessible.

Zoning Commission

Inland Wetlands Commission

Harbor Commission

J. Rie said dredging is out for bid. The Memorandum Of Understanding between the Army Corp of Engineers and the state has not been done yet. The Harbor Management Commission hopes to have the Harbor Management Plan done by end of year. The Shellfish report was published in Westbrook Events Magazine.

Town Center Committee

Adopt –A- Spot

J. Rie reported that Adopt-A-Spot is now up to 50 spots.

MOTION: to adjourn the meeting at 8:47 p.m. until the next Regularly Scheduled Meeting of the Westbrook Conservation Commission which will be on Tuesday, September 18, 2012 at 7:00 P.M. in the South Meeting Room of the Mulvey Municipal Center, 866 Boston Post Road.; **MADE:** by M. Marx; **SECONDED:** by D. Harger; **VOTED IN FAVOR:** T. ODell, M. Marx, D. Harger, R. Bell, J. Rie, B. Peterson, M. Oryl; **OPPOSED:** none; **ABSTAINED:** none.; **APPROVED:** 7-0-0.

Respectfully Submitted,

Kathleen Noyes
Recording Clerk

cc: Planning Commission
Zoning Commission
Inland Wetlands & Watercourses Commission