



**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, September 18, 2012 7:00 p.m.
Mulvey Municipal Center - South Meeting Room
(Unapproved)**

Members Present

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

Excused Absences

Mike Oryl

Call to Order

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

Minutes- August 21, 2012

MOTION: to approve the minutes of August 21, 2012 as amended.; **MADE:** by J. Rie; **SECONDED:** by M. Marx; **VOTED IN FAVOR:** B. Peterson, R. Bell, M. Marx, D. Harger, T. ODell, J. Rie; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0.

Bills

MOTION: to approve the time sheet submitted by Kathleen Noyes, Conservation Commission Recording Clerk, for \$187.00.; **MADE:** by M. Marx; **SECONDED:** by D. Harger; **VOTED IN FAVOR:** T. ODell, B. Peterson, M. Marx, D. Harger, R. Bell, J. Rie; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 6-0-0:

Correspondence

Zoning Commission minutes from 8/28/2012.

Chairman's Report

T. ODell said the Chairman's report would be covered under the "Open Space Program" section of the agenda.

Open Space Program

Salt Island: Management responsibilities ; MOU with USFWLS; Audobon Grant Agreement

The Selectmen approved both the MOU with USFWLS and the Audobon Grant Agreement. The Finance Committee appropriated \$3,000.00 to start the grant. The Conservation Commission needs to find 2 places to put the 2 signs: 1 on Middle Beach and 1 across from the Duck Island area.

Salt Island Overlook: Cooperative Agreement with Oxford Academy; Invasive plant workshop

The agreement was signed by both First Selectman Noel Bishop and the head of Oxford Academy. This past Saturday, T ODell gave 28 students and 4 staff a short inside workshop on invasive plants, and he discussed what the partnership is all about. He also gave them information about Salt Island Overlook. Rick Potvin from the USFWLS will present another workshop in October.

T. ODell reported that the \$38,000.00 grant for the purchase of trees and the planting of trees for Salt Island Overlook from the Long Island Sound Future Fund was denied. He plans to speak to R. Potvin to see if he has any suggestions for funding.

ATV damage to open space: Potential Enforcement Patrols; Plan Public Meeting

This matter was discussed at the Selectmen's meeting on 9/10/12. The public thought this was a good idea, but asked who would be in charge of this and where the ATV would it be stored. Trooper Rob Hart was very supportive of this idea, and he suggested periodic patrols of areas such as Toby Hill, and he is willing to work with the Conservation Commission on it.

T. ODell said he would like Commissioners to write letters to the editors of the local newspapers, such as "The Harbor News" to keep this topic in the public eye.

Chapman Mill Pond Open Space: USFWL grant-emergency roadwork

The Board of Selectmen approved the \$3,000.00 bid for Round Hill. The trees will be cut down and left instead of wood chipped or hauled away. The low bidder was notified that he got the job, and he said that the job would take approximately two and half days to complete. T. ODell suggested that perhaps some of the money from the grant can be used to buy fill to fill in the ruts in the roads there.

Chapman Mill Pond Open Space: Dam Management:

The BOS approved the Conservation Commission's recommendations for Chapman Mill Pond Dam Management. T. ODell notified the state of that approval.

T. ODell handed out copies of e-mails dated 9/12/12, 9/13/12 and 9/17/12 between him, Town Attorney Michael Wells, Dave Kozak from the DEEP, Alfred Smith, Jr., the Sciongay's attorney, and Suzanne Helchowski, Secretary to the First Selectman.

The first e-mail was from Attorney Al Smith following a discussion that he had with Dave Kozak from the DEEP. Also included on page 3 is T ODell's reponse to N. Bishop's note. The BOS was responding to the Conservation Commission's recommendation. There is a possibility further negotiations will occur. T ODell explained that The Town of Westbrook will be asked to be a full partner in the management of the dam. The town has to decide whether or not they want to do that.

T. ODell handed out a letter he had drafted asking the following: "Should the Town of Westbrook support State acquisition of the Sciongay property which would include the State as sole management of the dam?" , "Should the Town be concerned with and support the future existence of Chapman Mill Pond?" ,and "Should the Town support dam management decisions that would lower the water level of Chapman Mill Pond or breach the dam in favor of a tidal river?"

Commissioners discussed this at length asking what the future of the dam would and could be. They shared concerns about protection of the dam, water quality and quantity of the Menunketesuck River.

There is currently an agreement with the Sciongay's and the Lake Laconia Association and the Town of Westbrook. The agreement of dam maintenance is the concern right now. If Westbrook sold it, it would have to be sold as open space meaning it could not be further developed.

T. ODell distributed a draft to Commissioners with his considerations and concerns including the background information on Chapman Mill Pond, the benefits of state acquisition and the details of management along with a draft motion.

MOTION: to withdraw the previous recommendation to the Board of Selectmen that the Town of Westbrook be removed from Item D of the draft Management Agreement, as voted on and recorded in the minutes of the August 21, 2012 Conservation Commission meeting. Further, that the Conservation Commission recommend to the Board of Selectmen that to protect long term water quality and quantity of the Menunketesuck River the Town agrees to relinquish and waive any rights it may have to enter upon Sciongay or State land containing Chapman Mill Pond dam for the purpose of operating, repairing or maintaining the Dam. Further, this recommendation is made on the condition that the 148 acre Sciongay property in Clinton remain as open space with a Conservation Easement on the entire property.;
MADE: by J. Rie; **SECONDED:** by R. Bell; **VOTED IN FAVOR:** T. ODell, B. Peterson, M. Marx, D. Harger, R. Bell, J. Rie; **OPPOSED:** none; **ABSTAINED:** none;
APPROVED: 6-0-0:

Mulvey Environmental Walkway: NA

Old Business

Proposed “Town Use Ordinance”: update

Town Attorney Michael Wells will be rewriting the Town Use Ordinance based on the comments made at the Selectmen’s meeting. Members of the public in attendance agreed that they would like to keep the dogs off the beach. That ordinance will eventually go to Town Meeting.

Inland Wetlands Referrals:

**1950 Boston Post Road, restaurant, miniature golf, 10 room- inn
Detention basins and grading in regulated area: IWL Application Withdrawn**

**250 Flat Rock Place, Middlesex Hospital, clearing, grading and construction of
portions of the parking access, septic system, helipad and stormwater management
system: Approved with Conditions by the Inland Wetlands Commission**

The Zoning Commission approved this application with conditions which are listed in the 8/28/2012 Zoning Commission Regular Meeting Minutes.

New Business

ZC 2012-025 - 2000 Boston Post Road – Petition to amend the Zoning Map to change the zone of a portion (.42 acre) of the lot from the current Medium Density Residential (MDR) District to the Neighborhood Commercial District (NCD), which would place the entire parcel in the NCD Zone. Applicant: Westbrook Holdings, LLC. The Zoning Commission’s Public Hearing on this matter will be held on 10/23/2012.

Z2012-20 0 63 Pilot’s Point Drive – Petition to Amend the Zoning Map from Neighborhood Residential District (NCD) to Commercial Boating District (CB). Parcels affected are on Tax Assessor Map #184, Lots 130, 131, 132 & 133, located on Boston Post Road. Applicant: H. Brian Dumeer/Owner: Pilot’s Point Marina, Inc. The Zoning Commission’s Public Hearing on this matter will be held on 9/25/2012.

Commissioners reviewed correspondence for both of these Zoning Commission referrals, and they felt that neither referral required any action by the Conservation Commission at this time.

Reports

Planning Commission

Zoning Commission

Inland Wetlands Commission

Harbor Commission – J. Rie reported that the survey of water quality has to be done by a sanitarian. It is estimated that it will cost close to \$20,000.00. They are going to seek a grant. There were 2 bids submitted for dredging the middle of the breakwater north toward the Singing Bridge. The Harbor Management Plan is progressing well.

Town Center Committee
Adopt –A- Spot

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, October 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 J. Rie; **VOTED IN FAVOR:** T. ODell, M. Marx, D. Harger, R. Bell, J. Rie, B. Peterson; **OPPOSED:** none; **ABSTAINED:** none.; **APPROVED:** 6-0-0.

Respectfully Submitted,

Kathleen Noyes

Recording Clerk

cc: Planning Commission
Zoning Commission
Inland Wetlands & Watercourses Commission