

# Conservation Commission

## Town of Willington

### Minutes

Wednesday July 19, 2023 at 7:00 PM

[Remote Meeting via Zoom]

- I. **Call to Order:** Meeting was called to order @ 7:03 pm by Chairman Kathy Demers
- II. **Roll Call / Seating of Alternates:** Members present: Carol Jordan, Marilyn Schreiber, Bob Shabot Jackie Kulig, Patty Phillips and Kathy Demers. Alternate Nora Jones was absent/excused.
- III. **Approval of Minutes:** On a motion by C.Jordan/B.Shabot: *“The minutes of June 21, 2023 be approved with the following correction under VII. New Business/ B. Other, that the word ‘Adirondack’ be replaced with the word ‘Appalachian’”*. Motion carried unanimously.
- IV. **Present to Speak:** Resident Ryan Allard stated he was attending because he was aware that the commission would be discussing his interest in possibly modifying a conservation easement on his property in order to build an addition.
- V. **Treasurer’s Report/Finances:** C. Jordan reported an ending FY ‘22-‘23 budget balance of \$13.70 after a recent expenditure of \$111.20 for building materials. K. Demers noted that the CC still has access to \$3,500 in ARPA 27 funds that can be used for building materials related to park structure maintenance.
- VI. **New Business**
  - A. **88 Luchon Road Conservation Easement** – K. Demers noted that she received a request from zoning agent Mike D’Amato, along with some maps and an aerial photo, asking that the commission provide comments on the property owner’s request that the Town consider modifying a conservation easement so he could build an addition to his house. She noted that the Conservation Commission is not a regulatory body, but may provide comments or recommendations to other Town commissions and agencies. Member C. Jordan researched the history of the property and the conservation easement in preparation for the meeting and gave the commission an overview supported by documentation:
    - The current 3 acre parcel is the combination of 2 lots #5 & #6 and a formerly reserved area that were originally part of a 13-lot subdivision designed for mobile homes in 1968 before zoning regulations were in place. Most of the parcel (2.48 acres) is now encumbered by a conservation easement granted to the Town. Two areas are excluded from the easement: one undeveloped area containing 0.21 acres in the northwestern part of the property and the other is 0.31 acres in the southeastern part of the property where the house/septic are now located.
    - On July 10, 1995, the Inland Wetlands and Watercourses Commission (IWWC) granted a wetland permit to then owner Scott Roman with multiple conditions, including that there would be a *“Conservation Easement Limit Line 15 linear feet from wetland and note that there will be no infringement or disturbance, now or in the future, past that line.”*;
    - On October 17, 1996, then owner Marilee Beebe granted a conservation easement to the Town (Vol 127 / Pg 507) and filed an associated Boundary Plan (Map Vol 28 / Pg 22) prepared by surveyor Stephen Filip on 30 March, 1996, that showed the Conservation Easement Area which included the wetlands as well as a 15 foot buffer from the wetlands as required by IWWC. The boundary plan map also specifically indicated in writing that: *“There will be no infringement or disturbance, now or in the future past this line.”*
    - On January 16, 1997, the Willington Zoning Board of Appeals (ZBA) approved a hardship variance/special exception to then owner Marilee Beebe for construction of a building. The variance included multiple conditions and warnings to prospective purchasers/occupants due to the *“severe physical limitations of the site”* (Recorded March 17, 1997; Vol 128 / Pg 600-601).

- On August 5, 2004, the ZBA modified its previous variance to allow for the construction of a deck to then owner Michael Findlay (Recorded August 23, 2004; Vol 166 / Pg 644).
- The house and property were transferred to the current owner in February 2021.

Owner Ryan Allard was present and confirmed he is hoping that the easement line can be moved back closer to the wetlands in order to accommodate an addition that would include a second garage bay and a 3<sup>rd</sup> bedroom above it. He stated that he is just starting to explore this idea and the footprint dimensions would likely be about 15 ft x 35 ft. He stated that he is currently parking his motor home in that area on a flat gravel pad that predates his ownership of the property. He states he would be willing to place a conservation easement on the 0.21 acre area of the property that is on higher ground and excluded from the present easement in exchange for modifying the easement line near his home to accommodate the addition. He reported that the wetland areas are mostly forested swamp and that he has not done any improvements or clearing on the excluded part of the property he would offer to trade.

C. Jordan emphasized that during past reviews, the IWWC and ZBA had placed strict conditions on the property due to concerns about the impact to the wetlands and the physical limitations of the property as a building lot. K. Demers stated concerns that modifying the easement could impact the wetlands and increase the risk of encroachment on the remaining easement area near the proposed addition. B. Shabot stated he believed that commenting on the proposed easement modification was outside the commission's purview since the IWWC had placed the original easement on the property. On a motion by B. Shabot/M. Schreiber: *"The Conservation Commission deems that commenting on this issue is not within its purview since the original easement was placed on the property as a condition of a wetland permit by the Inland Wetlands and Watercourses Commission. All information and documentation researched and discussed by the Conservation Commission will be passed onto the Inland Wetlands and Watercourses Commission for their review."* Unanimously approved. K. Demers will send a letter to Mike D'Amato and IWWC that includes the researched documents and information.

- B. Communications: None reported
- C. Other: None

## VII. Old Business

### A. Properties Management

#### 1. Fenton-Ruby Park / Drobney Sanctuary:

-*Steward's Report/Maintenance:* Public works will be providing some pea stone for the base of the kiosk. B. Shabot will be replacing some boardwalks on the Taylor Pond Trail. Some boardwalks are slippery after rainfall. Using sand and mesh wire on the board tops is being considered. Trail vegetation is growing quickly due to rains; K. Demers has asked the trail stewards to do some trimming soon.

-*Beaver Dam:* P. Phillips noted that the Taylor Pond level does not appear to have increased since the last meeting and the trail reroute is still working well. Members discussed a written proposal by Mike Callahan from Beaver Solutions which offered a site assessment/plan to manage the beavers at a cost of \$325. Costs for materials and labor to install a pond leveling device would run between \$1,600 and \$2,600. Members decided to continue monitoring the pond level and would consider having the assessment done if pond levels started to rise. K. Demers noted that the Town Engineer Karl Acimovic had recently looked at the 40 foot walking bridge that spans the stream near the beaver dam. He noted some of the decking and railing was starting to deteriorate and should be replaced in the near future, but that the structural beams underneath were sound. The posts in the ground supporting the beams show some signs of deterioration, so a plan to replace the bridge in the next several years should be

considered. The bridge is unlikely to be washed away if the beaver dam breaches in a heavy rain event, unless the pond level starts to rise and becomes higher than the level of the beams. The commission will research options and resources to repair/replace the bridge over the next few years.

2. Knowlton Preserve / Talmadge Tract:

- *Stewards' Report/Maintenance:* Large tree down on the Knowlton Trail. Grass is growing high on the new Split Rock Trail. Will try to find volunteers to help with these issues.
- *Kiosk:* Back board and roof to be done. *Rock pile* to be moved by public works.
- *Permanent Trail Map Signs:* Members reviewed two proposals to make 7 signs (size 8.5" x 11" to place at trail heads) and 1 sign (size 17 x 22 for the kiosk): Fast Signs (\$324.72) and Signs of All Kinds (\$395). On a motion by C. Jordan/M. Schreiber: "*The commission will expend \$324.72 to order trail signs from Fast Signs*". Unanimously approved.

C. **Town Development:** Nothing new reported.

D. **Collaborative Organization News & Communication:** The commission will be renewing its membership with the CT Association of Conservation and Inland Wetlands Association (CACIWC) and the CT Land Conservation Council. C. Jordan will check with zoning agent about splitting cost of CACIWC dues.

E. **Regional Pollinator Pathway Initiatives:** J. Kulig added some mulch to the pollinator garden at Fenton-Ruby Park. Commission will advertise for a garden steward to help with the weeding.

F. **Open Space Opportunities:**

1) Burma Road property:

-*Appraisal Update:* The First Selectwoman has signed the contract with Silverstein Appraisal Services and the Town sent the deposit this week. Appraisal report will likely be back in 5 weeks.

-*Lustig Road Access:* The commission will recommend that the BOS develop a written understanding with the Town of Ashford regarding permanent right of access and ability to improve Lustig Road as necessary for access.

G. **Willington Wire:** M. Schreiber will work on the next article for the WW due on September 22<sup>nd</sup>.

H. **Other: General Needs:** K. Demers encouraged members to consider taking on new tasks as they arise for the commission and to try to identify potential new members.

VIX. **Next Scheduled Meeting:** August 16, 2023

VIII. **Adjournment:** On a motion by BS/MS the meeting was unanimously adjourned at approximately 8:45 pm

Minutes submitted by Kathy.Demers, Chairman and secretary pro tem

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