

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES
Apr. 10, 2017, 7:30 P.M.
MEETING ROOM B MADISON TOWN CAMPUS**

Subject to approval: Minutes of the Meeting of Apr. 10, 2017 - 7:30 p.m. - Meeting Room B- Madison Town Campus

Members present: Chairman Heather Crawford, Vice Chairman Christine Bouchard, Secretary Alex Cushing, George McManus, Clyde Burkhardt, Richard Gedney, and Rachel Klein.

Members absent: None.

Additional attendees: Inland Wetlands Officer Robert Kuchta.

1. **Call meeting to order:** At 7:30 p.m., Chairman Crawford called the meeting to order.
2. **Call for additional agenda items:** None.
3. **Application Review: 17-09 CSP.** 101 Garnet Park Road. Map 34, Lot 4. R-2 District. Owner/Applicant: Alket Meco. Coastal Site Plan Review to demolish existing dwelling and detached garage and construct new dwelling with attached garage.

Chairman Crawford stated that plans are to demolish a small house and replace it with a larger house; it is a fairly significant area, so Chairman Crawford stated that she is concerned about how much fill will be required. Inland Wetlands Officer Robert Kuchta stated the planning office was unable to get that answer prior to the Conservation Commission meeting. This application will be going before the Planning and Zoning Commission; a stonewall will be infiltrated and the driveway is crushed stone. The Coastal Site Plan (CSP) is required because the site is in the 100-foot or 50-foot setback, but actually nothing will be done within the 50-foot coastal resource, according to Chairman Crawford. Plans are to go from a 1400 square foot gross maximum floor area to 4600 square feet, according to Chairman Crawford. In expressing a concern about the installation of fill in the front of the house to the marsh, Chairman Crawford theorized it might be due to plans to put in a lawn. Commissioner McManus stated that the plans are essentially as of right, and all the Conservation Commission can do is write a letter expressing concerns about expanding occupancy in a coastal resource. Commissioner McManus noted that the plans state that they might add a larger septic system. Chairman Crawford stated that the septic system is sitting right at the water line, and she would like to strongly recommend the septic system be looked at closely. Mr. Kuchta stated that the septic system will go through the health department; that agency will look at both the size of the system, as well as the condition of a septic system currently on site. In addition, the Conservation Commission needs to make sure that the leaching field is protected during construction, Chairman Crawford stated. Mr. Kuchta agreed, stating that neither the Conservation Commission, the building contractor, nor the town sanitarian would want to see a failure of the septic system.

Commissioner McManus made the motion to authorize the chairman to write a letter addressing all the concerns noted during discussion, including the septic system and its leaching field; it was seconded by Commissioner Gedney and unanimously approved.

Vote to authorize the letter writing passed, 7-0-0.

IN FAVOR: Chairman Crawford, Vice Chairman Bouchard, Secretary Cushing, and Commissioners

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McManus, Burkhardt, Gedney, and Klein.

OPPOSED: None.

ABSTAINED: None.

4. **Application Review: 8198+CSP. 292 Neck Road.** Map 12, Lot 2. R-3 District. Owners: Jason & Elizabeth Gold; Applicant: Duo Dickinson architect. Request to vary Section 2.17 of the Madison Zoning Regulations to permit expansion of existing garage within the 50 ft. critical coastal resource. Coastal Site Plan Review required.

Architect Duo Dickinson and Surveyor Engineer Todd Anderson presented the application. This parcel is basically a wedge near salt marsh; to accommodate the property owner's sister and her car, everything is pushed eastward, keeping the foundation of the present building, which is noncompliant, so the only place to have the extra garage and for the sister to sleep is by adding a wing to the structure and increasing the height, according to Mr. Dickinson. A couple of dry wells have been added; the plans meet all zoning coverage and setback requirements, and there is no other option but to build in the coastal boundary, Mr. Dickinson stated. Under state statute, the salt marsh is the coastal jurisdiction line, and the site has been engineered to go beyond that for a buffer, according to Mr. Anderson. A propane tank has also been added to the plans, but its placement was switched with that of a dry well, to ensure it is kept out of the flood zone, according to Mr. Anderson. A concrete wading pool, not suitable for diving, will be added, and there will be some fill, but not more than 100 net yards, Mr. Dickinson stated. Due to the placement of the septic system, the structure cannot be built elsewhere, and plans are to determine whether the state will require a new septic system, only if the Zoning Board of Appeals grants approval. Chairman Crawford stated that she is concerned about adding living space to 50 feet of the critical coastal resource, and with rising sea levels, this is not a good idea. She reminded the applicants that the Conservation Commission is an advisory board, and the Zoning Board of Appeals will make the final decision in accordance with the Coastal Area Management Act provisions. Whether it is truly a hardship not to be able to build this accessory is up to the Zoning Board of Appeals to decide, Chairman Crawford stated. This is effectively an as-right application which meets Federal Emergency Management Agency (FEMA) requirements; the pool was engineered to take care of additional water coming up at the higher levels, and this is not creating a flood hazard, according to Mr. Dickinson. In addition, though there will be as little disturbance to the vegetation as is possible, the property owners are very interested in adding any vegetation, if so desired, according to Mr. Dickinson. The Conservation Commission has articulated, in the past, for instance at Fence Creek, the commissioners' concerns about building in the critical coastal resource; on an individual basis, it may not seem to be a problem, but in the aggregate, it is not good, Commissioner McManus stated.

Commissioner McManus made the motion to authorize the chairman to write a letter expressing the commission's concerns; it was seconded by Vice Chairman Bouchard and unanimously approved.

Vote to authorize the letter writing passed, 7-0-0.

IN FAVOR: Chairman Crawford, Vice Chairman Bouchard, Secretary Cushing, and Commissioners McManus, Gedney, Burkhardt, and Klein.

OPPOSED: None.

ABSTAINED: None.

Chairman Crawford recused herself from the application review of 506 Summer Hill Road. Vice Chairman Bouchard served as acting chairman in Chairman Crawford's temporary absence.

5. **Application Review: 506 Summer Hill Road.** Map 136, Lot 3. RU-1 District. Owners: Estate of Albert J. Alletzhauser. Two-lot subdivision.

Eric Alletzhauser explained this is a 4.5 acre lot his parents owned for over 50 years, and it has a barn and served as a farm with horses, chickens, goats, and ducks; plans were originally to have a new family purchase the property and continue using it as a farmhouse with barn. Having found no one able to meet that desire, the real estate agent suggested it would be better to actually split the property into two lots, according to Mr. Alletzhauser. The property is located at the corner of Summer Hill Road and Route 80, the east side of Summer Hill, just south of Route 80. All aspects of the town zoning regulations are being met through this subdivision, and there are no wetlands; the grades of the property are very minor, and the site is relatively flat, according to Mr. Alletzhauser. All the soil tests came back with positive results for installing septic systems, he stated. In terms of giving 10 percent of the property for open space, rather than paying a fee in lieu of the open space, it is being proposed that .46 acres be used as a conservation easement with an abutting property owner, who has agreed to hold the conservation easement, according to Mr. Alletzhauser. Stonewalls would be preserved, as well as trees, unless a tree is a hazard, according to Mr. Alletzhauser. Commissioner McManus questioned the idea of having a neighbor, rather than the town or the land trust, be the conservation easement holder; he also wondered whether the preservation of stone walls is enough to compensate for the loss of the 10 percent of the price of the lots, which is what would be charged through the fee in lieu of open space. Mr. Alletzhauser suggested that the reason this .46-acre is not desirable to Commissioner McManus is because it arises from the math of the acreage; it is not fair to have a fee in lieu of open space in this situation. There are not that many two-lot subdivisions that will give the 10 percent of land, and even if the town decided to waive the requirement, the neighbors will still want the conservation easement, according to Mr. Alletzhauser. Commissioner Gedney asked if the commission sees any environmental issues with the application. Commissioner McManus stated that the conservation easement is part of the purview of the Conservation Commission; it is a hardship, but it is a law that can be contested in court; a fee in lieu of the conservation easement goes into a fund to buy further lands to conserve for the future of the town.

Commissioner McManus made the motion to authorize the acting chairman to write a letter stating that the Conservation Commission sees no adverse environmental impacts, however either the town or the land trust should hold the conservation easement and not the adjacent landowner, and, in this case, it should be a fee in lieu of; this motion was seconded by Commissioner Gedney and unanimously approved.

Vote to authorize the letter writing passed, 6-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, and Commissioners McManus, Burkhardt, Gedney, and Klein.

OPPOSED: None.

ABSTAINED: None.

6. **Green-Up Clean-Up Day, April 22, 2017, at Salt Meadow.** Chairman Crawford stated that she will begin setting up at 9 a.m., and clean-up will be from 9:30 a.m. to 12 noon. She asked for approval to buy supplies consisting of items such as gloves, garbage bags, badges to give the Girl Scouts for Earth Day, and possibly some cookies. One Girl Scout group may install birdhouses, Chairman Crawford stated.

Commissioner McManus made the motion authorizing Chairman Crawford to spend up to \$100 for Green-Up Clean-Up Day materials and supplies; it was seconded by Secretary Cushing and unanimously approved.

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Vote to authorize the \$100 expenditure passed, 7-0-0.

IN FAVOR: Chairman Crawford, Vice Chairman Bouchard, Secretary Cushing, and Commissioners McManus, Gedney, Burkhardt, and Klein.

OPPOSED: None.

ABSTAINED: None.

7. **Natural Resource Inventory: Reports on assigned sections** ~ Chairman Crawford asked the assigned commissioners to attend the second Conservation Commission meeting of the month with a rough outline/draft of their sections, along with a list of sources. Assignments are as follows: Commissioner McManus, geology; Chairman Crawford, coastal and the dark sky; Vice Chairman Bouchard, archaeological and cultural resources; Commissioner Gedney, fresh water; Secretary Cushing, uplands; Commissioner Burkhardt, open space; Commissioner Klein, recreation. For examples, the commission is reviewing the inventories of the towns of Guilford and Woodstock.

8. **Project/Issue Updates**

~ **Additional Public Education/Outreach for 2017: Facebook page, newspaper articles?**

The Conservation Commission is donating \$125 to the Scranton Library for the hometown habitat program.

~ **Invasive species: Bamboo letter.** No report.

~ **Hammonasset River ecosystem restoration:** No report.

~ **Upcoming educational opportunities: International Dark Skies Week and Invasive Species ID and Removal Training.** Chairman Crawford stated that that next week is International Dark Skies Week. A group of volunteers worked for about two hours with Chairman Crawford to identify and clear invasive species from Summer Hill Trail; it was a positive turn-around, she stated.

9. **Review and approve minutes for Mar. 13, 2017 meeting.**

Commissioner Gedney made the motion to accept the Mar. 13, 2017 minutes, as submitted; it was seconded by Secretary Cushing and approved.

Vote to approve the minutes as amended passed, 5-0-2.

IN FAVOR: Vice Chairman Bouchard, Secretary Cushing, and Commissioners McManus, Klein, and Gedney.

OPPOSED: None.

ABSTAINED: Chairman Crawford and Commissioner Burkhardt.

10. **Adjournment:**

Commissioner McManus made the motion to adjourn at 9:08 p.m.; it was seconded by Commissioner Gedney and unanimously approved.

Vote to adjourn passed unanimously, 7-0-0.

IN FAVOR: Chairman Crawford, Vice Chairman Bouchard, Secretary Cushing, and Commissioners Gedney, Burkhardt, Klein, and McManus.

OPPOSED: None.

ABSTAINED: None.

Respectfully
submitted,
Marlene H. Kennedy, clerk