

TOWN OF ESSEX
Conservation Commission

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Executive Board
Kathleen Tucker, Chairman
Jeffrey Lovelace, Vice Chairman

Regular Members
Douglas Demarest, Member
Richard Helmecki, Member
Pam Bernardini, Member
Adrienne Forrest, Member

Unapproved

Minutes
Regular Meeting
Thursday, September 5, 2013 at 7:30 P.M.
Town Hall, 29 West Avenue
Second Floor Conference Room B

Attending Members

Kay Tucker, Chair
Jeffrey Lovelace, Vice Chair
Richard Helmecki, Regular Member
Adrienne Forrest, Regular Member
Pam Bernardini, Regular Member

Absent Members

Doug Demarest, Regular Member

Attending Staff:

Stella Beaudoin, Recording Secretary

1. Call to Order

Kay Tucker called the meeting to order at 7:33 p.m.

2. Hear Request for Driveway and Underground Utilities, 108 Westbrook Rd., Essex

Joe Wrenn, P.E. presented on behalf of Greg Faucher and Kelli Samuelson. The property owned by Mr. Faucher is situated at the intersection of Plains Road and Rte 153. In 2005 Mr. Faucher and Ms. Samuelson received approval from the Essex Planning Commission to subdivide the property into two parcels. As a condition of the subdivision approval, a Declaration of Perpetual Conservation Restriction Easement was created and dated and signed on June 25, 2005. Per the Declaration, the easement area is 75' in width and designated as a 75' conservation easement /buffer area which runs along the easterly boundary and fronts the right-of-way to both the property lots.

In 2011, the applicant presented to the Conservation Commission with a request to eliminate the conservation easement from the current location and move it to the rear of the property in order to create a driveway off of Westbrook Road which would service a new house. Per the conservation easement, there would be a common driveway which both lots would share. At the July 14, 2011 Conservation Commission meeting, members denied the request to allow a break in the 2005 Declaration of Perpetual Conservation Restriction Easement.

Mr. Wrenn referenced the 2011 request that the Commission allow for the elimination of the easement. The applicant is back before the Commission this evening seeking approval for the right to cross over the easement, to construct a gravel driveway over the easement off of Rte 153 and to install an underground

utility. Mr. Wrenn stated that the applicants are seeking permission from the Commission to modify the language of the Declaration and create an easement over the existing 75 foot conservation easement.

Ms. Samuelson stated that the location of the shared driveway has become a hardship in that the exit onto this portion of the road is a safety hazard. Ms. Samuelson stated that having lived in this location for some time she has come to realize that in there is a good deal of traffic which is exacerbated by the abutting neighbor, Essex Paddle Club whose property borders the applicant's. Ms. Samuelson stated that it would be beneficial if the new house was able to access the property from Rte 153.

Mr. Wrenn stated that the grade at the entrance of the property is not steep and he proposes to excavate 10" of topsoil and crushed stone and gravel, twelve feet wide and one foot deep. The excavated materials will be moved and placed on Mr. Faucher's lot. A small trench will be dug for the underground utility pole. Mr. Wrenn stated that as you approach the curve the site line becomes worse and as such, the Department of Transportation prefers this location for a driveway. Mr Wrenn noted that the Conservation easement is in place all along the entire frontage of the property which makes it unique.

Mr. Wrenn asked that the Commission consider adding the conservation easement to the area on the property in which the wetlands is situated. Mr. Wrenn stated that the applicant would be willing to offer the additional 100 foot area around the wetlands which would be in keeping with the DEEP recommendation of the placement of a 100 foot buffer around a wetlands area.

Commission members agreed that they would like one month to read through the declarations and review the site plan. Ms. Tucker asked members to consider if they wish to set a precedent for future modification of conservation easements.

Mr. Helmecki and Ms. Tucker stated that they are not in favor of allowing a modification to the agreement.

Mr. Lovelace stated that he would like to speak with the Town attorney and review the documents and research the 2005 agreement.

Mr. Wren will speak with Joe Budrow, the Essex Zoning Enforcement Officer and inquire how to proceed in terms of legal counsel review.

MOTION made J. Lovelace to accept as presented the proposal for a **Request for Driveway and Underground Utilities, Greg Faucher & Kelli Samuelson, 108 Westbrook Rd., Essex** for the purpose of deliberation by the Commission; **SECONDED** by A. Forrest; **Voting In Favor:** J. Lovelace, P. Bernardini, A. Forrest and R. Helmecki; **Opposed:** K. Tucker; **Abstaining:** None; **Approved:** 4/1/0.

3. Review and Approve the August 1, 2013 Meeting Minutes

The following amendments were suggested:

Page 3, Adjournment; "The next meeting September 5, 2013."

Page 2, Bushy Hill Report; "Ms. Tucker reported that she and Mr. Helmecki *cut back* the trails at Bushy Hill and they were bombarded by mosquitos."

MOTION made by R. Helmecki to approve the August 1, 2013 Minutes as amended: **SECONDED** by P. Bernardini; **Voting In Favor:** K. Tucker, J. Lovelace, P. Bernardini, A. Forrest and R. Helmecki; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

4. Old Business

A. **Review and Approve the Conservation Commission Town Report Submittal**

Mr. Lovelace read into the record the Conservation Commission's submittal for the Town Report.

MOTION made by J. Lovelace to accept the Conservation Commission Town Report Submittal as presented: **SECONDED** by P. Bernardini; **Voting In Favor:** K. Tucker, J. Lovelace, P. Bernardini, A. Forrest and R. Helmecki; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

B. **Fall Boy Scout Projects**

Mr. Helmecki stated that the Boy Scouts will repair the bridges at Bushy Hill which includes repair of the main beam of the foot passage bridge. Mr. Helmecki will contact Mark Prendergrast, Boy Scout leader to confirm that the Scouts are ready to move forward with this project. Mr. Helmecki will order the lumber from Beard Lumber.

Ms. Tucker suggested that the Scouts also clear the rocks on the path at Observation rock and the turtle nesting area at Viney Hill Brook Park.

C. **Trail Reports and maintenance**

Viney Hill Brook Park

Mr. Lovelace stated that portions of Viney Hill Brook Park have been mowed by Ken Bombaci and his crew. Broadwalk around Wollock's pond and the Yellow trail around Old Quarry along with the Clark's Gate right-of-way has been cleared and mowed. The lawn crew ran into hornets in the area of Observation Rock so they stopped. There are a few trees down; one on Purple trail, and a large branch at entrance of the White trail in the area in which Clark's fence is located. Mr. Bombaci will remove the felled tree and the branch and the debris in the next week. Mr. Bombaci indicated that there is one tree that is coming down at Viney Hill Brook. Members agreed to monitor the tree.

Mr. Lovelace presented Mr. Bombaci's August 3, 2013 bill for 18 hours which included, mowing, brush and weed cutting. Mr. Bombaci removed the two felled trees and he will brush hog the meadows after the frost, toward end November.

Bushy Hill

Mr. Helmecki stated that there is a tree coming down on the Red Trail which he will cut it up. Ms. Tucker will accompany Mr. Helmecki on Saturday, September 7, 2013 and assist with the removal.

Ms. Bernardini called the Essex Public Works Department regarding the parking lot on Oak Ledge; The Commission would like the weeds removed and to have a layer of crushed stoned deposited and spread over the lot.

Mr. Helmecki and Mr. Lovelace cleared a trail at Oak Ledge.

Canfield Meadow Woods

Ms. Forrest walked the trails at Canfield Meadow Woods and she stated that the observation deck looked good.

D. **Other**

Ms. Tucker received a bill from All Habitat in the amount of \$350 for tick treatment for Broadwak and Quarry pond trails. Ms. Tucker will authorize an additional \$50 to All Habitat to treat the right-of-way road. Ms. Tucker stated that she will also speak with All Habitat about removal of the Japanese Knotweed.

Ms. Tucker commented on the joint environmental venture with the Essex Conservation Commission, the Essex Land Trust and the Deep River Conservation Commission utilizing the services of the Environmental Review Team (ERT). Ms. Tucker previously signed off on the application authorizing a multi-disciplinary environmental study team to assist in the review and management of Canfield Meadow Woods. Ms. Tucker stated that she has not heard further from Mr. Stevens.

Ms. Tucker stated in 2008 the Conservation Commission authorized \$500 to be paid by the Town of Essex to the Essex Land Trust toward the installation of a kiosk. Ms. Forrest will contact Jim Denham, President of the Essex Land Trust to inquire as to the progress of the kiosk.

5. New Business

6. Inland Wetland Report

Mr. Lovelace reported that the IWWC approved a Permit for Application #13-12 on behalf of Barbara and Alfred Marulli, property located at 39 South Main Street, Essex. This is an application to replace an existing rear lawn with “no-mow” grass. The IWWC placed a restriction on the Permit which prohibits the applicant from clearing their land no closer than 50 feet to Middle Cove.

7. Correspondence

Ms. Tucker commented on the CT Association of Conservation and IWWC membership and Commissioners agreed to authorize funds to pay the dues and become members of the Association.

8. Adjournment

MOTION made by J. Lovelace to adjourn the regular meeting at 9:05 pm. to the next regularly scheduled meeting to be held on Thursday, October 3, 2013 at the Essex Town Hall, Room B – second floor, 29 West Avenue, 7:30 p.m.: **SECONDED** by R. Helmecki; **Voting In Favor:** K. Tucker, J. Lovelace, P. Bernardini, A. Forrest and R. Helmecki; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary