

MEETING MINUTES

Conservation Commission
June 6, 2024, 6:30 PM
BOE Conference Room, Waterford Town Hall

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Members Present: Matthew Keatley, Keith Kriet, Tali Maidelis, Chairman Richard Muckle
Members Absent: David Lersch (notified), Wade Thomas (notified), Geneva Renegar
Alternates Present: Ivy Plis
Alternates Absent: Matthew Shea, 1 Vacancy
Staff Present: Maureen FitzGerald, Environmental Planner; Kim Powell, Recording Secretary

Attest: *Doreen L. Campbell*
TOWN CLERK

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

The meeting was called to order by Chairman Muckle at 6:31 PM. I. Plis was seated for D. Lersch.

2. APPROVAL OF MINUTES May 23, 2024 Meeting

Motion: Made by T. Maidelis seconded by M. Keatley to approve the May 23, 2024 meeting minutes.

Vote: 5-0

Staff requested a modification to the agenda to discuss application C-24-05 before the new applications to accommodate presenter's schedule.

Motion: Made by M. Keatley seconded by I. Plis to modify the agenda to move application review to item 3 and new applications to item 4.

Vote: 5-0

3. APPLICATION REVIEW

C-24-05 430 Mohegan Avenue Parkway & 23B Old Norwich Road: 24 Unit residential housing development – 1721, LLC – Applicant/Owner, Indigo Land Design, LLC – Agent

Atty. Bill Sweeney, TCORS Attorneys, was present on behalf of the applicant and gave a review of the project. He confirmed the engineer is working on responses to staff comments and will present at a future meeting. Atty. Sweeney shared his opinion that a public hearing is not necessary nor required as the project preserves the upland review area and does not involve direct or indirect impacts to wetlands. He explained that public concerns and comments would likely be in regards to traffic, property values and other concerns outside the jurisdiction of the inland wetlands regulations and a public hearing would be appropriate when they present to Planning and Zoning. He asked the Commission to find the application does not involve a significant wetland impact and does not require a public hearing.

K. Kriet asked who will maintain the swales and common areas of the development. Atty. Sweeney explained the development will be a common interest community. The mowing of lawn areas, landscaping, road and walkway plowing and maintenance of the swales and drainage system will be conducted by a management company. All owners will pay into the common interest community budget to cover the cost of maintaining all common areas.

R. Muckle read Section 9.1 of the Inland Wetlands and Watercourses Regulations regarding holding public hearings. Staff stated the office has not received any inquiries or comments about the application to date. The plan does not involve significant or direct impact on the wetland area.

Motion: Made by M. Keatley seconded by K. Kriet to find the application does not require a public hearing.

Discussion of Motion: I. Plis and T. Maidelis noted there is no assurance that Planning & Zoning Commission will hold a public hearing. K. Kriet and R. Muckle noted there is no significant impact to wetlands and downstream impacts are addressed in the plan design.

Vote: 4-1 [T. Maidelis voting against]

4. NEW APPLICATIONS

C-24-06 9 Josan Drive: Residential re-subdivision – Sharon C. Brown - Applicant/Owner, Brian Florek, L.S. – Agent

B. Florek L.S. presented the application for a re-subdivision of the property to create 2 residential lots. Inland wetland permit #07-25 was approved in 2007 by the Conservation Commission to create 2 lots but the permit has expired. The prior approved plan involved filling a small wetland near the road, the current plan avoids that wetland impact by moving the shared driveway around the wetland to mitigate adverse impacts on the property.

B. Florek referred to the wetland evaluation report from the 2007 application that described the small wetland area as having low value and not providing typical wetland functions. The larger wetlands in the western portion of the property do provide wetland function and value. The proposed grading limits maintain a 50 ft. wide vegetated buffer adjacent to the western wetland boundary. No construction is proposed in the western portion of the site.

Staff noted that the prior permit established a non-encroachment boundary upgradient of the western wetland boundary.

The Commission directed staff to prepare findings for discussion at the next meeting.

5. VIOLATIONS

9 Waterview Drive: Unauthorized Deposition of Materials in and Adjacent to Waterbodies

Staff presented photos showing the area is stable and erosion and sediment controls are installed. Seeding will be completed per the work order issued. Staff noted all corrective actions have been implemented.

Motion: Made by K. Kriet seconded by T. Maidelis to close the violation stating the corrective action has been completed.

Vote: 5-0

12 Perkins Farm Road: Unauthorized Vegetation Clearing, Fence & Lawn Encroachment in a Conservation Easement Area

Staff stated the violation was referred to the Town's attorney for guidance and the attorney's opinion was the fence needs to be removed from the easement area and restoration would be the decision of the Commission.

Gina Guetti, owner of 12 Perkins Farm Road, explained that when they purchased the property, they were told each resident owns one ninth of the open space. When they cleared part of the open space and put up the fence, residents thought it was an improvement. They were not aware there

was a conservation easement. The intent was to cut back the briars that were encroaching into their driveway. She expressed concern with having to move the fence and asked if there was a way to keep it to define the limit of brush maintenance.

Staff noted the open space area was pasture at the time the subdivision was constructed. She stated the question is whether maintenance of pasture conditions is equivalent to maintaining a residential lawn. She reviewed the provisions in the conservation easement agreement that enable the Commission to allow the removal and thinning of dead and living vegetation upon written application by the owner. Staff suggested the homeowner speak with the other neighbors and get their support in writing.

Tim Matsas of 18 Perkins Farm Road spoke to the Commission telling them the briars and growth were encroaching on the 12 Perkins Farm property where his children play, the growth also creates a safety concern with site lines. He stated the fence and mowed lawn is an improvement in his opinion. He said other parts of the open space along the road and in front by Great Neck Road are maintained by mowing.

The Commission deliberated on the violation and restoration required. It was a consensus that passive use and maintenance of portions of the easement area could be authorized upon submission of a request by the owners. Staff was directed to provide assistance to the property owner to prepare a formal application. In the interim, the owner is allowed to continue mowing the portion of the easement area converted to lawn.

6. CORRESPONDENCE - There was no correspondence.

7. OTHER BUSINESS - There was no other business.

8. PAYMENT OF BILLS - The Day Invoice \$246.32

Motion: Made by M. Keatley seconded by K. Kriet to pay the invoice to The Day.

Vote: 5-0

9. ADJOURNMENT

Motion: Made by M. Keatley seconded by K. Kriet to adjourn at 8:24pm.

Vote: 5-0

Respectfully Submitted,



Kim Powell, Recording Secretary