

**TOWN OF NEW LONDON
CONSERVATION COMMISSION
SEPTEMBER 17, 2008**

PRESENT: Les Norman (Chairman), Terry Dancy, Ruth White, Laura Alexander, Vicki Koron, Emma Crane, Peter Stanley (Zoning Administrator), Bob Crane (Volunteer).

ALSO: Peter Blakeman, Lisa Gooding, Joan Ward, Dick Reed.

Les Norman opened the meeting at 1 p.m. and the Commission addressed twelve areas of business during the meeting.

Minutes – August 19, 2008

Laura Alexander moved to accept. Ruth White seconded. No further discussion. Motion unanimously approved.

Pratt Property – by Low Plain

Peter Stanley said the property is still in probate, and the owners are not going to rush to put it on the market. They assured him that the Conservation Commission will be the first to know when they do put it on the market. He (Peter Stanley) said his sense is that the owners would be willing to work with the Commission on this.

Land Swap for Lynch Property by Low Plain

Peter Stanley reported that this transaction is nearly complete. (This was the land swap approved at March 2007 Town meeting that will give the Town that 800 feet of private property that the Davis path is on.)

Schultz land

Terry Dancy asked about a press release, and Ruth White suggested that wait until after the signing ceremony. Terry will order the posts for the sign.

Peter Stanley said he thinks he may be able to borrow a brush chipper from Richard Lee, and he suggested one or two work sessions be scheduled in early October to feed brush into the chipper. Members agreed to meet at 8 a.m. on October 4 for this. He said Eric Schultz would like to be involved in the trail work on this property, and he will call him, as well as Dan Allen and Bob Brown. They need to lay out the trail first. Terry Dancy said the boy scouts are looking for projects, and this will be an extensive trail with bridges. Les Norman cautioned that they check about insurance liability first.

Peter Stanley clarified that the three Town-owned pieces there, are now merged into one and have been recorded as one plat. Laura Alexander clarified that this is town-owned but does not yet have a conservation easement on it. Conservation Commission members

agreed, and agreed that there will be a separate warrant article this year to begin the process of putting an easement on this.

The Conservation Commission understands that a conservation easement is required to prevent selling of town owned land (that has been intended for conservation) at any point in the future. That is increasingly a concern. Peter Stanley said the balance of Low Plain should also have a conservation easement put on it. Terry Dancy said that will be a separate warrant article, and he suggested the Conservation Commission involve Fish & Game on that. Peter Stanley said he has spoken with Fish & Game.

Natural Resources Inventory

Laura Alexander reported that she has brought this proposal to her students and a number of them would be interested in taking on the development of a natural resources inventory as their third year project. The work would begin in spring, and the community partner (the Conservation Commission) would serve as an advisory group, and receive reports and offer on going advice throughout the project. There will be no cost to the Town, and end results such as maps and posters will belong to the Town. She said that some towns as Springfield and Wilmot have hired professional groups to develop their natural resources inventories, and she reminded the Conservation Commission that this will be student work. Terry Dancy commented that in the past, students' work has been extraordinarily well done, certainly on a par with anything they could have had done professionally.

Members suggested the students could focus at least at first on areas around the lakes and at Low Plain. Fred Slayton may wish to be involved in the Low Plain portion of the project. Ruth White suggested asking for community input. Vicki Koron said they did that when they were looking for vernal pools and got only about five to eight responses. Peter Stanley said people may be reluctant to disclose that information. It was agreed that students will use the wildlife action plan as one resource.

Peter Stanley recommended that the point be made to the Budget Committee and Selectmen that this is one way the Conservation Commission is accomplishing its goal without a Town allocation.

Trails

Ruth White suggested that the work at the Bog be completed before moving on to other trails. Bob Crane said the Bog is the most popular trail in Town. Ruth White agreed, and added that Low Plain is probably second. This will be put on the next meeting's agenda when Bob Brown and Dan Allen are present.

Perry Property-Fairway Lane

Peter Blakeman reminded the Conservation Commission that the proposal is to cross a wetland (as delineated by wetlands scientist Peter Schauer) in two places with a driveway to the proposed house and a sewer line that will parallel the driveway. The two crossings will impact 570 square feet of wetland and 580 square feet of wetland respectively. As shown on the diagram presented at this meeting, that sewer line will go to a proposed new four inch diameter manhole where the proposed driveway will meet Fairway Lane, then on to an existing manhole 500 feet southeast down Fairway Lane. He said this will require a permit-by notification form to be submitted to that State. That paperwork is prepared and he is here today to ask the Conservation Commission to sign off on it. He said he is scheduled to appear before the New London ZBA next Monday for their special exceptions.

Terry Dancy asked if these crossings are similar to what was presented last summer. Peter Blakeman said they are exactly the same. The only change with this plan is to the sewer line that now parallels the driveway to Fairway Lane. He added that the proposed house site does meet all setback requirements, thus they will not need variances from the ZBA. He said he anticipates that the State DES will approve this. Nevertheless, in acknowledgment of the concerns about drainage, he (Peter Blakeman) will suggest to the zoning board members that they approve with the condition that the building be overseen by an engineer or certified septic system designer to assure proper installation of drainages. Les Norman agreed that the Conservation Commission could send a letter to the ZBA recommending that condition, and also a condition requiring that the building adhere to standards set out in the latest subdivision regulations, and that there be no net increase in runoff up to a half inch storm.

Laura Alexander asked if the Conservation Commission has signed off on this before. Peter Blakeman reminded her that the Commission did not sign off on the plan proposed last summer. Rather, it submitted a letter of concern to the Wetlands Bureau that seconded the concerns presented by abutters at the July 17, 2007 Conservation Commission meeting.

Laura Alexander expressed concern that this is an approved lot of record, and she asked what the owner's recourse would be if it is denied. Peter Blakeman agreed that this is an approved lot, and the owners have been paying taxes on it. Peter Stanley said this is an old subdivision that would not be approved under today's regulations. He said if the permit is denied, the owner could seek a tax abatement.

Dick Reed said there should not be a foregone conclusion that this will be approved. He said the conditions of the lot and the abutters' concerns have not changed since last summer. He reiterated that development on this lot will exacerbate the problems that exist now. He said there is already significant surface water on the lot, and no exit for that water. He said there is the potential for long term problems for the Town here, in that the Town owns two culverts that drain into this lot. He asked where the Town would take that water. He has spoken to Richard Lee who is not sure about the legal authority to

maintain those culverts. Peter Blakeman said those culverts are there now, additional culverts would require easements.

Dick Reed read a letter from Allen Koop that points out that the lot is a wetland that disperses water now slowly and naturally. The letter points out that a future resident will probably want to add fill that will disrupt that process. The letter also states that there is potential liability for the town.

Dick Reed said the State's permit-by-notification process is meant to clear off the docket those applications that are cut and dry. He said this application does not meet those criteria. Peter Blakeman disagreed, saying that this application does meet the criteria for permit by notification. He said the State will focus on the driveway, and that the ZBA has limited authority.

Abutters Joan Ward and Lisa Gooding seconded the opinions expressed by Allen Koop and Dick Reed. They said they would not be opposed to a building there if it were dry, but they said this is not a buildable lot.

Terry Dancy said the proposed wetlands crossings are not enormous here, and they are allowed by special exceptions. He said the concern would be for any changes caused by the addition of impervious surfaces. He agreed that if run off is not controlled, a house on the lot could make the current situation worse.

Joan Ward said her husband used to clear out the ditch between this lot and hers, but he has passed away. She said when that ditch is filled, the water backs up and floods her basement. Peter Blakeman said her lot is uphill from this one, and he asked how the water from the Perry lot can flow to hers. Joan Ward reiterated that when the ditch is not cleared, the water from the Perry lot backs up into hers.

Peter Blakeman referred to Allen Koop's letter in which the writer says there is no problem now, that the wetland is working as it should. He said the fact that neighbors' basements flood is not a reason to deny this owner the right to build. He would not be opposed to there being some conditions of approval, but would not go so far as to say the lot is unbuildable.

Les Norman said the question is, if this is approved, how will the building affect the whole thing. Emma Crane agreed this is a sticky issue. Vicki Koron said she does not like this, and asked how to make the Conservation Commission's concerns known to the ZBA. She pointed out that approval will leave the people who have to live with this with a problem. Peter Stanley agreed that this will be an ongoing enforcement issue.

Terry Dancy said he does not see any alternative to this, if it can be shown that they can build without causing harm to the drainage as discussed. But, he said, the record should reflect that the Conservation Commission has expressed serious concern. The question

is, is this possible without making the current situation worse. Ruth White agreed that there is not much the Conservation Commission can do.

Joan Ward pointed out that this lot has been on the market for 20 years. She understands that the owners who have been paying taxes on it, want to sell it, and she asked if there were some way the Town could buy it. Peter Blakeman said the lot is under agreement now, but the potential buyer wants to be sure he can build a house on it. Joan Ward said abutters have been paying taxes too, and the Town owes them some consideration as well.

The Conservation Commission agreed to decline to sign off on this, but to submit a letter to the ZBA expressing its concerns and recommending that if the ZBA approves the special exception for the wetlands crossings, it attach the three conditions discussed above. Peter Blakeman said he is disappointed, that he feels this is a buildable lot, and he has worked on much worse lots than this.

Cook Easement

Les Norman said the dedication will be at 11 a.m. on October 18.

Columbus Avenue

Conservation Commission members agreed that the culvert here needs to be cleared out, with grates being placed at either end. There is a beaver pipe in the dam.

Schedule

Laura Alexander said that ASLPT is hosting a roundtable to discuss the wildlife action plan, and funding, on October 20 from 6 to 8 p.m. This will essentially be a continuation of the land summit, and will be addressed toward conservation commission chairs.

Also on November 13 from 6 to 8:30 p.m., ASLPT will host a seminar focused on ways to use planning and zoning to protect the rural character of the area. This will be at the new middle school.

Terry Dancy said that June Fichter from LSPA will present the new wetlands plan to the New London Planning Board at 7 p.m. on September 23.

Master Plan

Peter Stanley said he continues to put the sections that people have submitted together into one document. The wildlife chapter needs a little more tweaking. He will get this to Conservation Commission members before the next meeting, so that at the next meeting, members can discuss the final section that will make recommendations.

Other

Vicki Koron asked if LSPA's bill for water testing has been paid. Les Norman said he has signed off on it, and submitted it to the office.

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Meeting adjourned at 2:50 p.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary