

**Conservation Commission Meeting
Town Hall Meeting Room
January 4, 2007**

Minutes

Attendance:

Members present: William C. Rutherford, Renee Seblatnigg (arrived at 7:14), Sue Baker, Alexander Brash, Nancy Dickinson, Gary Silberberg, Gulietta Fargion and Suzanne Graham

Staff: Denise Savageau and Aleksandra Moch

Audience present: Hoa Nguyen, Greenwich Time; Mark Weller, Byram River Work Group; Vince DiMarco, Tree Conservation Committee; JoAnn Messina, Greenwich Tree Conservancy, Executive Director; Sigrid Andrea Samuelsen, Greenwich High School; Vitoria Zammit, GHS; Robert Brehm, R.S. Granoff Architects; Kenneth Partridge, Greenwich Post; Khush Kirpalai, GHS; Danyel Sages, GHS, student; Joe Pajonas, R.S. Granoff Architects; John Tesei, Esq., Gilbride, Tusa, Last & Spellane, LLC.

Commission Discussion Session – 7:00 p.m.

Called to order at 7:10 p.m. by Rutherford

- 1) **Seating of Alternates:** Silberberg was seated for Brower, Fargion was seated for Henrey and Graham was seated for Seblatnigg.
- 2) **Review and approval of minutes for December 7, 2006 meeting:** A motion was made by Dickinson and seconded by Silberberg to approve minutes as presented. Motion was carried.
- 3) **Review of Correspondence:**
 - a) Long Island Sound Assembly minutes - Savageau provided copies of minutes dealing with the Ambros amendment (concerning dredging). She reminded the Commission that Henrey represents the Conservation Commission at the *Long Island Sound Councils and Assembly* meetings.
 - b) Letter from DPW on Shore Road Bridge work – The Commission has received notice that DPW is planning to replace/rehabilitate the Shore Road bridge over Horseneck Brook. The Commission and/or staff will review the project.
 - c) *Connecticut Walk Book, the Guide to the Blue Blazed Hiking Trails of Western Connecticut*. The Connecticut Forest and Park Association has provided the Commission with a copy of its trail guide. Savageau passed around the copy. This will be located in the Conservation office for reference.
 - d) *Rain Gardens in Connecticut*. Savageau distributed a new brochure produced by UConn on rain garden design and functions as a low impact development solution.
 - e) *Mianus River Watershed Council Annual Meeting*. - Savageau announced that on January 18, 2006 the MRWC would have a lecture about amphibian deformities caused by potential pollutants introduced to their habitat. She encouraged Commission members attend.

- f) Savageau distributed a letter she sent out to department heads with an attached article from the Nov/Dec 2006 issue of *Connecticut Wildlife*, a publication of Connecticut's Dept. of Environmental Protection Wildlife Division. The article discusses the recent case involving a rabid coyotes.

4) **Chairman's Report:**

- a) 2007-08 Budget: Savageau summarized the where we are with the budget this year. Rutherford indicated that Denise and he will be meeting with the First Selectmen to review our requests this year and go over concerns about administrative support and staffing for non-regulatory programs.

5) **Staff Report:**

- a) Subdivision/Site Plan Review: was not discussed
- b) Cos Cob Power Plant – cleanup status/EPA grant: was not discussed
- c) Byram River Watershed Workshop: Mark Weller, a member of the Byram workgroup, spoke about the need for a hydrological study of the river. This is needed to provide more information about the potential floods and help to establish a flood reduction/prevention plan. He was concerned about the existing flood structures, their condition and maintenance. He emphasized that the watershed management is an important element in flood prevention. Any development performed up stream may have a significant impact on the downstream properties. The Town, with the support of property owners and non-profit organizations, should consider any potential land acquisition within the Byram watershed. Protected open space would minimize the density of future development and associated storm water impacts on the river. He indicated that the workgroup was supportive of the Aquarion land acquisition as part of this effort. He also indicated that the group will be supporting watershed planning in the next Plan of Conservation and Development (POCD).
- d) Community Forest Update
 - 1) *Ordinance Workgroup*: The group is meeting on January 19, 2006.
 - 2) *Tree Conservancy*: DiMarco spoke about the importance of preserving undeveloped, forested areas for the community benefit. In his speech he referred to a new development project that the Housing Authority is planning to undertake and provided a written statement to the Commission. The subject area would include the forested end of McKinney Terrace in Byram. Savageau introduced Joann Messina, the newly appointed Executive Director of the Tree Conservancy. The group is meeting on January 5th 2006. Savageau and Town Tree Warden Bruce Spaman serve as advisors to both the ordinance workgroup and the newly formed Tree Conservancy. Gary Silberberg is also involved.
- e) Other: was not discussed

6) **Committee/Liaison Reports**

- a) Wildlife Issues Committee:
 - 1) *Deer Management* – update: Savageau stated that Bruce Spaman, Superintendent and Tree Warden, is getting ready to install the fenced-in monitoring sites.
 - 2) *Geese Management* - update: Savageau stated that she and the project participants are getting ready for the season. There are two planned workshops on egg oiling scheduled for March working with GeesePeace.

- 3) *Other*: Savageau is working with the Law department on updating/revising the existing Town code for wildlives. The current rules, for example, don't allow for wildlife management, research, monitoring, or education. A code change has been submitted for the RTM call in January.

b) Critical Habitat Management Committee

- 1) *Important Bird Area*: Savageau stated that the Audubon Connecticut had hired the Manomet Center for Conservation Scientists to work on the wildlife management plan. The organization provides world-known scientists specializing in shore birds. They had a preliminary meeting with the Department of Parks and Recreation that was well received.

7) **Old Business**: was not discussed

8) **New Business**

109 Byram Shore Road – FSP (8:12 p.m.)

Rutherford recused himself stating conflict of interest as he has a working relation with the neighbor and left the room. Brash assumed role as chairman. Tesei and Brehem presented changes on the plan that had been made between preliminary and final. Savageau presented her staff report. Discussion ensued. The Conservation Commission was concerned about the property's unprotected areas located along the shore, their final landscaping and maintenance.

A motion was made by Seblatnigg and seconded by Dickinson to adopt the following resolution:

Whereas, the Conservation Commission has reviewed the final subdivision plans for 109 Byram Shore Road, and

Whereas, the final plan addresses many of the concerns raised by the Commission during preliminary review but not all, and

Whereas, the Commission is concerned with both the protection of natural and cultural resources and the aesthetics of the shoreline, and

Whereas, the plan proposes to protect much of the archaeological area by including it in the dedicated open space area, further protects the shorefront from development by use of conservation easements, and provides for pedestrian access to Long Island Sound for all units within the subdivision,

The Commission recommends approval of the subdivision with the following conditions:

1. *The pedestrian access walkway be clearly defined as such and written into the deed, and shall extend not only to the shore but, as shown on the plans, will follow the seawall along all three waterfront properties. The plans should clearly state how wide the easement should be, a minimum of eight feet is recommended, and not rely on the width of the walkway since this could change over time.*
2. *A reconfiguration of Lot 1 is strongly suggested so that all of the archaeological area in the northwest corner be contained in the dedicated open space. A demarcation wall, already required for grading, should used to separate the protected area from the lot.*

3. *A new landscape plan should be developed that would provide for a homogeneous view across the three shoreline lots comprising the conservation easement area. This is in contrast to the proposed plan that features different landscaping plans for each of these lots. Given that the conservation easement area is proposed as a no-build zone, no patios or fences should be placed in this area. Native species are also highly recommended for this area. The landscape plans and the engineered subdivision maps should be reconciled.*
4. *As previously recommended, no more than 2 docks should be allowed (the existing plus one new dock).*
5. *The archaeological report designates several areas that are significant sites. These are represented on the plans. An archaeologist should be on site during the start of construction, during any vegetation removal at the site, and any trenching or digging in the marked archaeological zones. Pathways are proposed to cross the archaeology site in the shorefront no-build area. An archaeologist, now or in the future, should oversee any work in this area.*
6. *Conservation staff should review and approve tree removal and/or protection plans prior to the start of any vegetative removal or construction activities.*

The Motion was carried unanimously.

A motion was made by Dickinson and seconded by Silberberg to adjourn the meeting. Motion was carried unanimously.

Meeting adjourned at 10:12 p.m.

Submitted by,

Aleksandra Moch