

**Conservation Commission Meeting  
Town Hall Meeting Room  
March 5, 2009**

## **Minutes**

### **Attendance:**

**Members present:** William Rutherford, Lisette Henrey, Renee Seblatnigg, Sue Baker, Nancy Dickinson, Eric Brower, Suzanne Graham, and Gary Silberberg

**Staff:** Denise Savageau

**Audience present:** Nancy Chapin, John McIvor, Carole McIvor, Robert J. Richardson, Craig Flaherty, Michelle Albonizio, Bruce Cohen, Megan Raymond, and Ron Sentman.

### **Commission Discussion Session – 7:00 p.m.**

**Called to order** at 7:05 p.m. by Rutherford

- 1) **Seating of Alternates:** Silberberg was seated for Brash. Graham was seated for Fargion.
- 2) **Review and approval of minutes of February 5, 2009 monthly meeting:** A motion was made by Silberberg and seconded by Dickinson to accept the minutes with the following correction: page 4, item 6cv change to read “Silberberg reported that no recent meetings have been held. Savageau indicated that chair was working with the full EATF on the resolution.” The motion carried unanimously.
- 3) **Review of Correspondence:**
  - a) *Connecticut Wildlife* – Jan/Feb 2009 issue was distributed in the packets
  - b) *The Habitat* – Fall 2008 issue was distributed in the packets
- 4) **Chairman’s Report**
  - a) **Go Greener – Lin Lavery** – Rutherford introduced Selectman Lin Lavery. Ms. Lavery updated the Commission on the progress of the Environmental Action Task Force and discussed the new Go Greener Greenwich campaign. She explained that this is a public relations/education campaign following up on the same themes as the EATF with one addition, water. Committees have been set up to coordinate a theme for each month working closely with existing

environmental groups. Baker and Chapin will be Conservation reps on the Go Greener committee. Conservation will be chairing the water theme campaign for June and July.

- b) **POCD update** – Rutherford reported that Brower and Savageau had met with P&Z on the POCD and many comments are now included. Conservation is now prepared to sign-off on the document. Rutherford will be sending a letter to P&Z in this regard.
- c) **Commission members** – Rutherford acknowledged that this was the last meeting for Suzanne Graham and Renee Seblatnigg as they are stepping down from the Commission. He thanked them for the years of service. A small celebratory reception will be held following the meeting in their honor.

## 5) **Staff Report**

### a) **Watershed Management**

- i) Byram River
  - (1) Byram River Watershed Symposium – Savageau reminded the Commission of the March 12, 2009 symposium to be held in the Cole Auditorium, located in Greenwich Library 6:30 to 8:30 p.m.

### b) **Wildlife Management**

- i) Deer management – no report
- ii) Critical Habitat/Conservation Areas
  - (1) Fishway:
    - (a) Volunteer monitoring – meeting held with volunteers – fishway will be opening in early March this year..
    - (b) Open house schedule – finalized for April 4 and 25 and May 16.
    - (c) Underwater camera – Eltz continues work to get camera installed with April as a target date.
  - (2) IBAs:
    - (a) Great Captain’s Island – no update
    - (b) Greenwich Point - Savageau will be attending the FoGP meeting on April 1 with Audubon to discuss the program.

- c) **Town Properties** – na
- d) **Energy** – na
- e) **Education/outreach** – na

Note: Chair moved to New Business at 8 p.m. as per the agenda. Brower recused himself and left the meeting.

## 6) **Committee/Liaison Reports**

- a) Parks and Recreation Board: na
- b) Land Acquisition: na
- c) GRAB:
  - i) Telephone directory resolution – tabled to next meeting.
- d) Environmental Task Force

- i) Recycling – resolution passed by BOS.
- ii) Artificial Turf: Resolution was presented to Board of Selectmen. Amendments will be made working with P&R and other interested parties. Motion made by Henrey and seconded by Seblatnigg to support adoption of a resolution on artificial turf by the BOS with the understanding that some amendments may be made to the existing resolution. Motion carried unanimously.
- iii) Green Building: Savageau reported that a resolution would be forthcoming
- iv) Transportation: Savageau reported the BOS adopted the resolution.
- e) Coastal Resources Advisory Committee – Silberberg and Baker gave report on actions of the Committee. Silberberg explained that he was not a full member but a liaison for the Commission. That is not what had been envisioned when we asked to be on the Committee.

7) **Old Business**

- a) Cos Cob Power Plant – Rutherford gave update and reviewed the Commissions decision making process. He indicated he would be appointing a subcommittee to establish protocol for working on such a project were both staff and members are involved.

8) **New Business**

9) **Shemin’s Nursery Preliminary Subdivision – 8 p.m.**

Rutherford reviewed the procedures for review of the subdivision indicating that first the Commission would hear from all parties and then the Commission would deliberate, without further comments from the public, on the proposal. Savageau began the process by reviewing the Commission’s comments on the previous application and indicated that many of items of concern had been addressed. Flaherty, representing the applicant, presented the changes in detail. The Commission proceeded to ask questions of the applicant about the new application. Carol McIvor, 7 Heather Lane, indicated she had questions about the drainage relating to the irrigation pond and its outlet. She has been experiencing quality and quantity issues and has been working with IWWA and the Town of Rye Brook to address her problem. Robert Richardson, for the King Merritt Community, submitted written comments to the Commission also raising concerns about drainage.

The Commission finished questions and answers and entered into a lengthy discussion of the proposal. The following resolution was made by Henrey and seconded by Dickinson.

*Whereas the Conservation Commission is pleased with the general layout of the plan and oversized lots given the constraints of keeping the nursery operation intact on Lot 5; and*

*Whereas the plan provides for improvement of habitat and wetlands specifically on*

*Lot 2 and the adjacent wetlands, and*

*Whereas, the plan provides for approximately 29.47% (12.9705 acres) of the land to be restricted as open space, including 8.066 acres (18.33%) in fee simple and 4.9045 acres (11.14%) as conservation easements and increase of 11.67 % over the previous application, and*

*Whereas, the plan has incorporated many of the recommendations made by the Conservation Commission in a memo to P&Z dated May 16, 2008 including the creation of a 50' buffer strip creating a connection between two non-contiguous open space parcels, additional conservation easements, and improvements to the storm water system;*

*Therefore, the Commission recommends approval of the 5-lot subdivision subject to the following conditions being met.*

*1) Open Space*

- a) The southern boundary of Lot 4 is open space and the wetland boundary is near the property line. It is recommended that the stonewall, at the top of the slope overlooking the wetland, be maintained to both protect the old stonewall and the conservation area. No activity should be allowed south of the stonewall.*
- b) All open space, including the easement areas, should be properly monumented.*
- c) The 50' buffer be maintained as a natural buffer and wildlife corridor connecting the two larger open space parcels.*

*2) Storm Water Management – Quantity and Quality*

- a) No changes to the irrigation pond or the drainage area to the south of the Lot 5 (the nursery) is proposed. Considering the ongoing problems downstream, this should be re-examined to ensure that maximum retention and water quality functions are in place. The Commission recognizes that much of the storm water is coming from off-site but there are no improvements proposed in this area and it is a missed opportunity. Improving this drainage area should be explored with the appropriate Town departments including Engineering, Conservation, and Inland Wetlands.*
- b) A permanent solution to the erosion coming off of the nursery site should be explored. The silt fence that has been installed is not a permanent solution. BMPs such as a vegetative filter strip should be explored.*
- c) The Nursery Environmental Management Plan outlines what is being done but does not require anything in the future. The plan should be re-written to so that is indeed a plan with BMPs prescribed for all areas of operation that have been identified as potential sources of pollutions.*

*3) Invasive Species Control*

- a) *Lot 2 includes a well planned out planting plan to restore and remediate an area that has been impacted and now includes invasive species. Monitoring of the area should continue for more than the two years to prevent invasive plants from coming back.*
  - b) *Mile-a-minute weed has been found on this site and is proposed for eradication. This needs to be done whether or not the property is subdivided and should not wait until the land use process is complete. The applicant has been working with the Conservation Commission to control MAM and this should continue.*
- 4) *A Phase I Archaeology Report has been conducted for the site and recommends that no further study is needed.*

The motion was carried unanimously.

The Commission also noted that the review of this application has drawn attention to a drainage issue in the watershed affecting many downstream neighbors. P&Z should be aware that this is an ongoing problem and that this is a larger issue within the watershed with most of the water coming from NY and King Street. The problem will not, nor should it be, solved by this subdivision/site plan application. This problem is within the Byram River watershed and should be looked at by the Town as it evaluates and seeks solutions for storm water management within the watershed in the area along King Street.

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

Meeting was adjourned at 10:22 p.m. Followed immediately by small reception for Graham and Seblatnigg.

Submitted by,

Denise Savageau