

## CONSERVATION COMMISSION

### REGULAR MEETING MINUTES

Jan. 13, 2020, 7:30 P.M.

### MEETING ROOM B MADISON TOWN CAMPUS

**Subject to approval:** Minutes of the Meeting of Jan. 13, 2020 - 7:30 p.m. - Meeting Room B - Madison Town Campus.

**Members present:** Vice Chairman Christine Bouchard, Secretary Alex Cushing, and Commissioners Heather Crawford, and Frank Guarascio.

**Members absent:** Danielle Butsch.

**Others present:** Director of Planning and Economic Development David Anderson and Daniel Hand High School Environmental Club student liaisons Marina Dixon and Elizabeth Ozimek.

1. **Call the meeting to order:** Vice Chairman Christine Bouchard called the meeting to order at 7:33 p.m.
2. **Review and approve minutes for Dec. 9, 2020 meeting as submitted.**

**Commissioner Heather Crawford made the motion to accept the Dec. 9, 2019 minutes, as amended, to change the spelling of core to coir, wherein core appeared twice in the minutes; it was seconded by Commissioner Frank Guarascio and unanimously approved.**

Vote to accept the Dec. 9, 2019 minutes as amended passed, 4-0-0.

IN FAVOR: Vice Chairman Bouchard, Secretary Cushing and Commissioners Crawford and Guarascio.

OPPOSED: None.

ABSTAINED: None.

3. **Call for additional agenda items:** Vice Chairman Bouchard stated that Chairman Fran Brady submitted a letter of resignation in December, therefore she wanted to add to the agenda an item to talk about leadership.
4. **Determine Action for P&Z 19-22+CSP. 4 Boston Post Road. Based on information gathered during Site Walk on January 11, 2020 and presentation to commission on December 9, 2019.** Vice Chairman Bouchard stated that the commission has to compose a letter to the Zoning Board of Appeals and the Planning and Zoning Commission, based on information it gathered during the site walk of Jan. 11, 2020 and the presentation during the Dec. 9, 2019 Conservation Commission meeting. There are a couple of concerns that need to be clarified, such as whether the coir logs will be present on the site long enough to sustain the environment, as well as site management, particularly in the area of boat storage after hours, according to Commissioner Crawford. During the site walk, it was good to see the areas that have been fixed up, but that brought home to her how close to sea level that spot is, according to Commissioner Crawford. An engineering question to consider, in looking at a 2016 letter from the state Department of Energy and Environmental Protection (DEEP), is whether once an additional four feet of fill is put on top of fill placed on site earlier and at the request of DEEP, will result in the previous fill sliding out at the sides, according to Commissioner Crawford. Vice Chairman Bouchard stated that she is concerned about infiltration and gravel and pea stone being placed in the back lot, where boats will be stored. The gravel and stone will get compressed, and she questioned whether the infiltration will be then able to contain any water; in addition, there are no plans at the front of the lot for infiltration. Secretary Alex Cushing stated that in his previous experience with boat yards, catch  
*Page 1. Conservation Commission, Jan. 13, 2020*

basins were installed to gather anything that was on the property, so it would not contaminate the Connecticut River. Vice Chairman Bouchard stated that she has concerns about what will happen with the boats in the back, particularly since boat owners, in their free time, will be visiting the site to prepare their boats for the season, which entails washing them, sanding, and perhaps applying oils on teak and wood—all of that is going to run off into the marsh, and none of that can be watched 24 hours a day, seven days a week, unless there is going to be round-the-clock security on site. Vice Chairman Bouchard also asked whether there will be a water supply to support the boat owners—those who fish will want to wash the saltwater off of their fishing rods and their boats to prevent future damage. Granted, the site did have a pre-existing use for an apartment, and Commissioner Crawford stated that she has a real concern about having people live too close to the shoreline, in light of rising sea levels and climate change—it is just putting people more at risk. Commissioner Crawford stated that she could see why the property owner would want to have a manager living on site, but to have the apartment available to a third party is not something with which she would agree. Plans indicate several ideas for the apartment, such as retail space, and Commissioner Crawford stated that she is concerned that having other options that are currently in the plans could lead to further expansion of the business. Director of Planning and Economic Development David Anderson explained that the septic system serves the current plans for the site, and if there were future plans to expand the site, the property owner would have to, once again, go through the entire approval process with all of the regulatory agencies involved in land use activities. Physically, the building will not be able to expand beyond the current plans, according to Mr. Anderson. The Conservation Commission reviewed two letters regarding the 4 Boston Post Road application, one from the Madison Land Conservation Trust, dated Jan. 10, 2020, and a letter from the state Department of Energy and Environmental Protection Natural Diversity Data Base (NDDDB), dated Feb. 22, 2016. Vice Chairman Bouchard stated, in referencing the Madison Land Conservation Trust letter, that the Madison Conservation Trust has property that abuts 4 Boston Post Road, and Mr. Anderson clarified that the Madison Conservation Trust has a conservation easement over that property. The Madison Conservation Trust opposes the development for a number of reasons, according to Vice Chairman Bouchard. The NDDDB objects to the placement of fill on the southern portion of the site and has concerns about the coir logs. The NDDDB review was from 2016, and it indicates the property has two endangered species living on site, the saltmarsh sparrow and the least shrew. The shrews are burrowing animals, and would live in the entire upland, where fill is proposed, according to Vice Chairman Bouchard. Three to four feet of fill in that area, with boats resting on it, presents a concern about crushing the burrows to this endangered species, according to Vice Chairman Bouchard. The saltmarsh sparrow lays its eggs in the marsh, and as the marsh migrates toward the south, the sparrows will lose their habitat, and they will become extinct, Vice Chairman Bouchard stated. One remedy would be to have any work on site conducted outside of the nesting season, and another remedy would be to construct a wall or create a buffer zone of a minimum of 1,500 feet, which should be maintained around the nesting area, according to Vice Chairman Bouchard, referencing the NDDDB letter. Vice Chairman Bouchard suggested another survey is needed from the DEEP to have the NDDDB update this situation. Commissioner Crawford stated that the saltmarsh sparrow does not come in until the spring. There are concerns about the fill to the south, which proposes 9,000 plus cubic yards of pea stone, which constitutes a threat to the land conservation; needed is clarification about the boat storage activities and how they will be monitored and controlled, according to Vice Chairman Bouchard, in referencing the letters. The Madison Land Conservation Trust is also concerned about the potential of more fill to move into the conservation easement area, in the event of strong storms or flooding, according to Vice Chairman Bouchard, adding that there are no remediation plans to prevent the pea stone from moving into the conservation areas; pea stone moves even when it rains, and this can block marsh migration. Earthen berms and coconut coir logs will block the diamond back terrapin, she stated, adding that a single coconut coir log berm will not be sufficient. Mr. Anderson stated that he has received the Madison Land Conservation Letter and has forwarded it to the Zoning Board of Appeals, the Planning and Zoning Commission, and the applicant. Coir logs can break down very quickly or very slowly, and a

management plan needs to be put into place; there has to be at least five years of monitoring the coir logs, Commissioner Crawford stated; in addition, pea stone is not a good idea. Secretary Cushing stated that at least a two inch blue stone would be preferable to the pea stone, and any work on the boats would have to be monitored so that there are zero oil spills. Vice Chairman Bouchard stated that there is not much of a buffer zone between the coir logs and the upland, at ten feet. Ten feet of a buffer zone would be the minimum, Commissioner Crawford stated. Vice Chairman Bouchard stated that she feels as though the applicant does not understand the aspects of salt marsh migration; as the sea level rises, the salt marsh will die in that area, and that is a concern statewide, as well as globally. With the saltmarsh sparrow, that is a real concern, she stated. The back half of the property plans have too much of a potential for things to go wrong environmentally, according to Commissioner Crawford. There should be annual inspections on site to ensure there is no erosion, she stated. No one should be living in the apartment; new residential units should not be built where they currently do not exist on the shoreline, as it is being threatened by sea level rise and climate change, according to Commissioner Crawford.

**Vice Chairman Bouchard made the motion to have Commissioner Crawford compose a letter to the Zoning Board of Appeals and the Planning and Zoning Commission that encompasses the Conservation Commission's concerns, requests clarifications, and details recommendations; it was seconded by Commissioner Guarascio and unanimously approved.**

Vote to compose a letter to the agencies passed, 4-0-0.

IN FAVOR: Vice Chairman Bouchard, Secretary Cushing, and Commissioners Crawford and Guarascio.

OPPOSED: None.

ABSTAINED: None.

**5. Project/Issue Updates (20 minutes)**

~ **Madison Schools Sustainability Curriculum Update.** Commissioner Crawford stated that she will be involved with the fifth grade on this topic, and she will speak to former Chairman Fran Brady for further information.

~ **Watershed Education Update.** Vice Chairman Bouchard stated that the hard work of the student liaisons, Marina Dixon and Elizabeth Ozimek, has resulted in the creation of the watershed signs, which will be posted around town, where recommended. Director of Planning and Economic Development David Anderson brought one of the signs into the meeting; it is blue, with white letters, and it announced the fact that visitors will be entering the Neck River Watershed. Mr. Anderson stated that the Public Works Department agreed to pay for the signs and that department will coordinate the installation of them. Each sign asks those in the watershed areas to use care with fertilizer, salt, pet waste, herbicide, and car washing, and includes the name of the Madison Conservation Commission as well as its website address. These signs will be incorporated into the Sustainable Connecticut effort, as education.

~ **Web Site Enhancements Part 2.** Commissioner Guarascio stated that he has been looking at other websites and some are very fancy, compared to the Madison Conservation Commission's website, however the Madison website is one of the most informative.

~ **Next Workshop planned for Jan. 27, 2020.** The Jan. 27, 2020 workshop will be to continue work on the Natural Resources Inventory.

**6. Natural Resources Inventory (NRI).** Commissioner Crawford stated that in two weeks commissioners will meet to continue working on the NRI.

**7. Other matters.** Property Owner and Applicant Michael Barnes, for 4 Boston Post Road, asked if there is an opportunity for public comment, and although there is not, the Conservation Commission granted permission to do so. Mr. Barnes stated that there are a lot of claims that have been made

regarding the application, and he is hoping that the Conservation Commission could include some supporting data in its letter to the Zoning Board of Appeals and the Planning and Zoning Commission.

8. **Update from Daniel Hand High School Student Commissioners:** Work is continuing on the Daniel Hand High School pollinator pathway project.

9. **Leadership.** With the resignation of the chairman, two more commissioners are once again needed on the Conservation Commission. Discussion centered on the leadership roles.

**Vice Chairman Bouchard nominated Commissioner Crawford as chairman of the Conservation Commission; it was seconded by Secretary Cushing and approved.**

Vote to name Commissioner Crawford as chairman passed, 3-0-1.

IN FAVOR: Vice Chairman Bouchard, Secretary Cushing and Commissioner Guarascio.

OPPOSED: None.

ABSTAINED: Commissioner Crawford.

10. **Adjournment**

**Chairman Crawford made the motion to adjourn at 8:31 p.m.; it was seconded by Commissioner Guarascio and unanimously approved.**

Vote to adjourn at 8:31 p.m. passed, 4-0-0.

IN FAVOR: Chairman Crawford, Vice Chairman Bouchard, Secretary Cushing, and Commissioner Guarascio.

OPPOSED: None.

ABSTAINED: None.

Respectfully submitted,  
Marlene H. Kennedy