

**CONSERVATION COMMISSION
TOWN OF WALLINGFORD
January 8, 2009**

MINUTES

The Wallingford Conservation Commission held a Regular Meeting on Thursday, January 8, 2009, at 7:00 p.m. in the Basement Conference Room of the Town Hall Municipal Building, 45 South Main Street, Wallingford, CT. Present were Chairman Jeffrey Borne, Vice Chairperson Mary Heffernon, and Commissioners Carl Arsenault, John Lathrop, Kenneth Ryan, and Dianne Saunders. Absent was Member James Pyskaty. The Town staff present were Ms. Erin O'Hare, Environmental and Natural Resources Planner, and Recording Secretary Ms. Kathleen Burns. One person was present from the public. Chairman Borne called the meeting to order at 7:09 p.m.

2. PROPERTY MANAGEMENT

B. Farmland Lease Properties Program

1. Field 14A – 205 Main Street – Encroachment

Tonight Mr. Daniel LeGrand of 205 Main Street, Yalesville, addressed the Commission. Mrs. LeGrand herself had met with the Commission in December. Mr. LeGrand said he wrote a letter to the Town in an attempt to resolve the property line dispute and possible encroachment. He maintained that the clothesline pole has always been considered as the eastern boundary marker. Seventeen years ago, the seller showed him that the clothesline attached to the house marked the property line. If it is not, then there would be major impact to his property.

Mr. LeGrand showed an aerial photograph from 1990-91. Since then, he built an addition onto the back of the house and installed a pool. Both times, he showed what he believed to be his boundaries and received variances from the Zoning Board of Appeals. As to his front property line, he was not sure of the setback measurement from the centerline of State Route 150. The boundaries he stated were not challenged then, and there was no dispute until recently. Ms. O'Hare said there is a difference between the maps Mr. LeGrand presented with his ZBA requests and the building permit records.

Mr. LeGrand showed other photographs of: his border before Dunkin Donuts was built to the north; the clothesline attached to the house and the metal clothesline pole; a 1993 photo of the dog kennel; a wooden stockade fence that existed before Dunkin Donuts was built; and the old shed on the Dunkin Donuts property that was eventually torn down. Mr. LeGrand said he had a swing set in his side yard, but he moved it after someone drove through the Dunkin Donuts fence and onto their yard. By verbal agreement with the open space farmer/lessee, Mr. LeGrand said he regularly cuts an area 15 feet wide at the south line toward the Town-owned open space to keep the weeds down. The weeds grow back in a few days.

A separate issue is with the pine tree in the corner of the driveway. It is claimed to be owned by the Town. When Mr. LeGrand moved in, he said there was a stake that eventually was run over. When Dunkin Donuts built, they filled in about three feet. The contractor and the owner told Mr. LeGrand that they gave him two to three feet of property because they were using two or three feet of his property to achieve a straight fence line in

between. Mr. LeGrand read from his original deed. He did not bring a map, and he did not have a property survey. At the other side, Mr. LeGrand showed a photo of the retaining wall that was built when he put on the garage addition. The Town checked it then. The ground used to slope down, and his property would get water when the field flooded. Mr. LeGrand said the Town Attorney has been to his property before and has not found any problem with his boundaries. Then the back property line by the Town-owned open space became an issue.

Chairman Borne acknowledged Mr. LeGrand's concerns. But he stated that the Commission is interested in managing the open space lands and keeping the proper boundaries. If there is a problem, it should be corrected. There have been problems with other neighbors in Town who have not observed the boundaries.

Mr. LeGrand talked about his maintaining the property as his own for 17 years. He brought up the concept of adverse possession and mentioned a 1999 law regarding the holding of property by nonprofit entities. He continued to maintain that the clothesline pole marks the property line. Chairman Borne said the Commission will discuss this further but that the Town Attorney's Office will likely respond to Mr. LeGrand about the legal issues. Mr. LeGrand left the meeting at this time.

In discussion, Ms. O'Hare said the encroachment question came up when the open space boundary was marked by the Engineering Department crew and she observed the dog kennel and the swing set apparently on Town property. Dianne Saunders said that Dunkin Donuts must have had a survey. Ms. O'Hare indicated Adam is considering it. Ken Ryan asked two questions:

1) Whether the Town has completed an official survey; and 2) Can the Town allow a resident to put structures on Town property? Chairman Borne said the Commission is interested having good neighbors, but it does not want to set a precedent on encroachments. He raised the possibility of the Town having a licensing agreement for certain purposes with its open space neighbors. The Commission will wait to hear from Corporation Counsel Adam Mantzaris.

1. APPROVAL OF MINUTES

A. Minutes, December 11, 2008

This correction was made by Dianne Saunders:

- On p. 5 at 2.H.1., paragraph 2, to delete the second sentence and to replace it with: "The Commission agreed to post the area south of Tamarac Swamp Road and west of Tyler Mill Road, and also to post the area east of Tyler Mill Road."

Motion: John Lathrop, to accept the Minutes of December 11, 2008, as corrected.

Second: Mary Heffernon.

Vote: Unanimous.

2. PROPERTY MANAGEMENT

A. Tyler Mill Preserve

1. Trails System Improvement Program

a. DEP Recreational Trails Grant - The archaeologist's report will be forwarded to the DEP soon and DEP will advise us after its review. Chairman Borne asked Ms. O'Hare to obtain this report for the Commission.

b. Blazing Contract

Mary Heffernon will ask Rob Page of the Wallingford Land Trust to look at the electronic data from Connwood for the northern part of Tyler Mill Preserve. The data is needed for the contract.

On the southern part of Tyler Mill, Dianne Saunders reported seeing huge areas of erosion. Commissioners asked her to locate these areas on a map for the Trails Committee to review.

B. Farmland Lease Properties Program

1. Field 14A – 205 Main Street – Encroachment – Discussed earlier tonight.

2. Farm Viability Grant - Dianne Saunders had attended the December 18th CCM/American Farmland Trust Workshop on “Planning for Agriculture”, and completed a report which will be forwarded to the Commission with the Minutes. From that session, Dianne described several information items:

- A grant application could be made to the State Department of Agriculture by January 23rd. Grants will go to five municipalities, awarding 25 hours of technical consulting time by a State-designated team of experts on Farmland Preservation. In particular, Dianne recommended receiving consulting on Farmland Lease Fields 1A, 1B, 1C, 5A, and 7A. The consulting hours could include interviews with local farmers in connection with Connecticut P.A. 490.

Motion: Mary Heffernon, that the Conservation Commission authorizes Environmental and Natural Resources Planner Erin O’Hare to oversee the grant application and Program Planner Mr. Don Roe to complete and submit the grant application called “Request for Agricultural and Technical Assistance” to the State Department of Agriculture.

Second: Ken Ryan.

Vote: Unanimous.

Note: Dianne Saunders will recheck whether Wallingford can apply for this grant. She will draft the one-page application and note the supporting data that could be included. She will circulate the draft to the Commissioners for review and then give it over to Ms. O’Hare and Program Planning for their consideration.

- U.S. Department of Agriculture Census data was received. Ms. Saunders noted that there is a recommendation for having longer farmland lease periods, such as going from the present five years to ten years.

- Also, the State is advocating that each town has an “Agricultural Commission” to help farmers deal with their issues and to promote farming activity, the “Food for Schools” program, and local farmers markets. Ms. Saunders asked whether the Conservation Commission would be recognized as an “Agricultural Commission”.

- Ms. Saunders stated that “Day Care for Dogs” is licensed by the Connecticut Department of Agriculture.

3. Field 3A – Land Trust trail

Mary Heffernon referred to the proposed Eagle Scout project to install a trail on the Land Trust's Farnum Field at Williams Road. This is next to the Town's Farm-land Lease Field 3A, and Ms. O'Hare gave a map of it to Mary Heffernon. Commissioners agreed to walk the property on Sunday, January 11th, at 9:00 a.m. with the Eagle Scout and some Land Trust members.

4. Lease Bid Proposal – No action on this item.

5. Field 7A – Northford Road – Restoration Project

Dianne Saunders reported she saw the restored stormwater detention basins at Field 7A. She saw no evidence of erosion since the last big storm.

6. Field 7E – Northford Road – Possible storage of dredging spoils from Mackenzie Reservoir

Chairman Borne told the Commissioners that the contractors' bids for the reservoir dredging are coming in lower overall and that the responding contractors generally are not seeking to store the dredge spoils on Field 7E. He said it was good that the Commission had recommended the alternative of not storing dredge spoils.

C. Fresh Meadow Swamp at Cheshire Road

1. Butterfly Meadow – Seeding - Ms. O'Hare reported that if Vo-Ag Director Will Shultz finds that the ground thaws enough, he will have the students perform the drill seeding of the wildflower mix promptly. Mary Heffernon will get a copy of the seeding directions to Mr. Shultz.

2. Walking Path Concept Plan (phase two) contract – No action.

3. Boundary Marking - Ms. O'Hare has asked the Engineering Department to produce a map depicting the open space property boundary marking as completed across Town. Tonight she showed the Fresh Meadow Swamp/Galko property boundary map. Commissioners requested that Engineering mark the rest of the boundary behind the neighboring houses.

4. Proposed Tree Planting - Ms. O'Hare said the Lyman Hall High School Vo-Ag addition project may be in need of replacement trees along a wetland area. It was the Commissioners' unanimous consensus that 12 of the trees that are coming from the Department of Public Works be given by the Conservation Commission to the Vo-Ag project if needed.

D. Invasive Species Eradication

1. Long-term Invasive Species Management Program

Dianne Saunders and neighbor Ms. Ethel Kumnick walked the southern section of Tyler Mill Preserve to locate the invasive plant species. There is a big problem of invasive species on the east side of Tyler Mill Road. There are huge washouts. Bittersweet has overtaken trees up to 60 feet tall, and a number of them have blown down. The bittersweet is advancing toward Tamarac Swamp. Dianne Saunders will return to quantify the size of the affected areas. She felt that the bittersweet has to be controlled. She noted that there

would be money in the anticipated DEP Recreational Trails Grant to control invasives bordering trails in this southern portion of Tyler Mill.

Separately, Dianne Saunders researched information on a prospective grant from the “Long Island Sound Futures Fund”. Grants from \$10,000 to \$150,000 will be given for projects that protect and restore watershed lands, including damage from non-point pollution control. Subtopics are water quality control, invasives removal, and a management plan. The grant requires an in-kind match which could be comprised of volunteer hours from municipal and nonprofit partners. Dianne suggested that the Commission could apply for funds to do a Comprehensive Management Plan for Tyler Mill Preserve. All 1,400 acres of Tyler Mill Preserve are within the Muddy River watershed. This river goes into the Quinnipiac, which eventually goes to Long Island Sound. Ms. Saunders will circulate information about this grant to Commission members by email. This will be an item on the February meeting agenda. A consultant could help assemble this grant application which is due March 23. Dianne will confer with Erin and Don Roe next week on possible application topics.

Erin O’Hare reported that the invasive plant kudzu has been found in Branford. She said a new position of “State Invasive Plant Coordinator” was created at DEP. The official will communicate to ConnDOT highway maintenance operations about best practices for controlling the spread of invasives in fill materials.

2. DEP Beetle Control Program – Tilcon – No report.

E. Keer Property

1. Walk – No date has been set for a walk.
2. Committee – No committee was established tonight.

F. Scard Road

1. Status – No report.

G. Hunting

1. DEP Permit Area Maps

Erin O’Hare reviewed the differences between the DEP Hunting Area map and the map Mike Falcigna issues. She said the maps will be revised to exclude Bertini Park and the soccer fields from the hunting area. She indicated the Town leased the hunting area to the state for \$1 and the Rod & Gun Club oversees the permits. The Commission’s unanimous consensus was to confirm that the new areas discussed at their December 11th meeting would be included plus Fields 10A and 10B. Also, the Commission wanted to be sure that DEP will exclude Tamarac Swamp and the two soccer fields from hunting. Additional input to the DEP mapping will come from the Open Space Users Group from the Mayor’s Open Space Management meeting, and from the Rod and Gun Club. The Commission wants the new signs to say: “Hunting allowed where posted.” and “Maps are available from the local agent.”

2. Other – Dianne Saunders said the old Posted signs have been taken down at Bertini Park by the Rod & Gun Club and she observed pink paint markings on trees at Bertini Park. Ms. O’Hare will ask the Engineering Department about this.

Where Dianne Saunders and Ethel Kumnick had found a complex of five or six old foundations at Tyler Mill, Dianne reported evidence that persons on mountain bikes have been using an old foundation to do stunts. Chairman Borne said the State Historic Commission believes that old foundations and stone walls should be respected. Dianne Saunders suggested that students could help the Commission by GPS-locating these old foundations.

H. Volunteer Work Program

1. Planning Assignment List – Boy Scouts, etc. – No discussion.
2. Summer Interns – No discussion.
3. VoAg Student Projects – See 2.C.1. and 2.G.2. above.

3. GRASSLAND BIRD HABITAT ENHANCEMENT / RESTORATION INITIATIVE

No discussion.

4. PROPERTY ACQUISITION

A. Reports

Chairman Borne said an appraisal is being done for a property in east Wallingford.

5. COMMISSION VACANCIES

Chairman Borne indicated that Mayor Dickinson had indicated to him that he will be making two new Commission appointments very soon.

6. OPEN SPACE PLAN, 1999 – Not discussed.

7. SPEAKER EVENT

A. Topics – Not discussed.

B. Adult Ed. Course – “All About Wetlands” is the topic that Erin O’Hare will describe to the public in an Adult Education course on March 25th.

8. BUDGET 2009-2010

For discussion at February’s meeting, Ms. O’Hare will bring the 2008-09 record of budget expenditures and a draft of a proposed budget based on last year’s as requested by Chairman Borne.

9. CORRESPONDENCE / REPORTS

1. CCM Workshop: “Planning for Agriculture”, Durham, December 18, 2008 - Dianne Saunders reported on this workshop earlier tonight (see 2.B.2.).
2. Other -

John Lathrop asked the Commission to look at the portion of Lufbery Park that touches South Hartford Turnpike. It is located between two houses and opposite the Quinnipiac Street/Wilbur Cross Parkway overpass. Persons on ATVs have caused deep ruts, which will permit erosion. Ms. O’Hare will contact the Engineering Department to post this portion of the park for “No motorized vehicles”. John Lathrop will contact the police officer who is in charge of ATV complaints.

Commissioners received the Fall 2008 issue of “The Habitat” from CACIWC. Ms. O’Hare will forward 3 Commissioners’ copies that did not arrive.

10. NEXT MEETING – Is set for Thursday, February 19, 2009, due to the Lincoln's Birthday holiday.

11. ADJOURNMENT

Motion: Mary Heffernon, to adjourn the meeting.

Second: Ken Ryan.

Vote: Unanimous.

The meeting was adjourned at 9:59 p.m.

Respectfully submitted,

Kathleen L. Burns, Recording Secretary