

## CONSERVATION COMMISSION MINUTES

### Special Meeting

February 16, 2021 at 7:00 pm

Zoom Information:

<https://zoom.us/j/91270807393>

Call-in Number: **1 929 205 6099**

Meeting ID: 912 7080 7393

**These minutes are subject to approval by the Conservation Commission**

Present: Holly Kocet, Mark Boland, Mark Lurie, Michael Ablondi, Justin Kaiser, John Dixon

Staff: Rob Sibley, Deputy Director of Land Use and Dawn Fried, Clerk

Ms. Kocet opened the meeting at 7:00 p.m.

### PUBLIC PARTICIPATION

Greg Carnrick of GRC Construction, Newtown, representative for the Conservation Easement request on 210 Brushy Hill Road.

### DISCUSSION AND ACTION ITEMS

#### **CC #21-01 210 Brushy Hill Road, Conservation Easement**

Mr. Sibley reviewed the correspondence letter written to Dan Rosenthal, First Selectman, regarding the request for modification to Newtown Conservation Easement on 210 Brushy Hill Road. Mr. Boland questioned why the Inland Wetland Commission was not notified. Mr. Sibley explained that wetland permits expire after five years. Mr. Sibley explained the CC's responsibilities to either make a recommendation or decline the easement to Mr. Rosenthal. Mr. Rosenthal will make the final decision on the Conservation Easement.

Mr. Carnrick gave a brief history of the property. Mr. Carnrick explained that the prior owner removed the trees and abandoned the project at which time he acquired the property. Mr. Carnrick gave an overview of the site plan and pointed out the easements which total .071 acres. Mr. Carnrick stated, for the record, that he would like to place boulders along the conservation easement and plant trees which will offer additional protection. Mr. Carnrick stated that he would like to work together with the Town to restore the damaged property.

Mr. Lurie moved to accept the recommendation for the modification of the conservation easement on 210 Brushy Hill Road. Mr. Kaiser seconded. All in favor.

#### **Election of Officers**

Ms. Kocet asked the Commission if anyone was interested in becoming an officer.

The slate of officers: Ms. Kocet - Chairman

Mr. Boland – Vice Chairman

Mr. Kaiser moved to approve the slate. Mr. Lurie seconded. The Commission unanimously voted in favor of the slate.

## APPROVAL OF MINUTES

Mr. Boland moved to approve the minutes of January 12, 2021. Mr. Lurie seconded. All in favor. The minutes from January 12, 2021 were approved.

## MISCELLANEOUS

Ms. Kocet made mention that Clare Danner and Ella Rosen, recipients of the Commission's First Annual Conservation Leadership award, were featured in the paper last week.

Ms. Kocet discussed continued efforts to create a Native Plant Policy. Ms. Kocet gave a brief history of prior efforts from past Commission members. Ms. Kocet stated that an Invasive Plant Policy for municipal properties was created by the CC which was then approved and implemented by the Town. The Invasive Plant Policy was the first initiative established by the CC in order to begin the development of the Native Plant Policy. Ms. Kocet asked the Commission for their support on this endeavor. She would like to create a comprehensive plan and detailed list of native plants by spring.

## OTHER COMMISSION REPORTS

Mr. Boland stated that the FFA is currently staking out a path for a 5K road race. Mr. Boland will contact them regarding the location of the path.

Mr. Boland discussed the Board of Finance meeting and stated the town accepted a grant for \$80,000 for the Pootatuck River.

## ADJOURNMENT

Mr. Boland moved to adjourn the CC meeting. Mr. Kaiser seconded. All in favor. Meeting adjourned at 7:48 pm.

Respectfully submitted, Dawn Fried

3 Primrose Street  
Newtown, CT 06470  
203-270-4351  
Fax: 203-270-4278  
rob.sibley@newtown-ct.gov



*Robert Sibley  
Deputy Director  
Planning, Land Use  
and Emergency Management*

## TOWN OF NEWTOWN

**Date:** January 12, 2021

**To:** Daniel Rosenthal, First Selectman

**From:** Rob Sibley, Deputy Director Planning, Land Use and Emergency Management

**RE:** Request for modification to Newtown Conservation Easement

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Please find attached a request to the Town for the modification of an existing Conservation Easement.

In 2004 (#04-38) the Inland Wetlands Commission approved an application for Ron and Doris Botsford, to construct a single family home at 210 Brushy Hill Rd. after a lengthy public hearing process. The Commission's decision included conditions of approval, including an endorsement of recording of a Conservation Easement offered by the applicant.

The subsequent decision was appealed by Dana Nuzzo of 4 Dug Hill Road as being insufficient to protect the wetlands. (attached) The appeal was denied in court and the IWC decision upheld.

The applicant/owner recorded the conservation easement as offered and is on record. (attached)

Subsequently, the property has been acquired by a new owner and the current owner does not want the existing conservation easement to be in its original configuration. Since the easement is an asset for the Town of Newtown valued at less than \$20,000, an action by the Selectman is allowed by charter.

This Agency is neither endorsing nor dissuading this request. However, we ask, if approved that all final costs of any transfer be the responsibility of the correspondent.



## TOWN OF NEWTOWN

November 5, 2004

Mr. & Mrs. Botsford  
208 Brushy Hill Road  
Newtown, CT 06470

RE: **#04-38** Ronald & Doris Botsford, 210 Brushy Hill Road; Map#32,  
Block#3, Lot#3; application to improve existing driveway access,  
construct new dwelling, septic system & well.

Dear Mr. Hoffman:

At the regular meeting of October 27, 2004 of the Conservation Commission, your application for a license to conduct regulated activities on the above referenced property was APPROVED by a vote of 5-0 in accordance with Section 11.1 of the Inland Wetland Regulations of the Town of Newtown.

The regulated activities for which a license has been granted are only those indicated on the application and the map submitted with your application and described above.

The license was granted with the following condition.

1. Erosion and Sediment Controls as illustrated on the plan and where deemed necessary by the Conservation Official be installed prior to construction and maintained until all disturbed soils have been stabilized.
2. A preconstruction conference with the Conservation Official one-week prior to the commencement of any activity.
3. A copy of the approved plans will be on the site at all times.
4. A Conservation Easement is to be filed at the office of the Town Clerk and the Conservation Office following the approval by the Planning & Zoning Commission.
5. The Conservation Commission Recommends to the Planning & Zoning Commission that if this subdivision is approved it require that the applicant include in the approved subdivision map all wetland mapping and/or conservation easements.
6. The applicant is requested to modify the site plan to include the easements before any other municipal permits have been obtained.
7. The applicant is requested to install permanent markers for the conservation easements prior to construction.

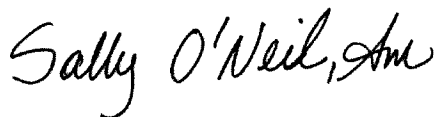
8. This license shall not be valid until the applicant has obtained approval from the Conservation Official after reviewing the approved lot from Planning & Zoning.
9. Building of the lot shall not commence until the driveway has been stabilized and has been inspected by the Conservation Official **8**. This license is not valid until all other municipal permits have been obtained.

If any changes are made which differ from the information filed in support of this license, new information must be filed with this Commission accompanied by a letter detailing all changes, including but not limited to, changes in lot lines, changes to proposed locations of streets, drainage and easements; changes to location of proposed dwellings and septic systems, changes in proposed cuts and fills, and/or changes to licensed activities.

Changes in proposed licensed activities or new activities requiring licensing will require reapplication to this Commission. The Commission reserves the right to determine what effect, if any, such changes will have on wetlands, watercourses and/or regulated activities. If it comes to the attention of the Commission at the start of construction that the Commission records do not reflect the most recent revised plans, THIS LICENSE IS AUTOMATICALLY REVOKED.

No activity may be performed, AND THIS LICENSE IS NOT IN EFFECT UNTIL ALL OTHER NECESSARY APPROVALS AND PERMITS ARE SECURED FROM OTHER APPLICABLE TOWN AGENCIES. This license and the referenced maps should be submitted to those Town Agencies.

Sincerely,



Sally O'Neil, Chairman  
Conservation Commission

SM: AM.

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P. O. Box 55365  
Bridgeport, CT 06610  
(203) 368-4944  
Fax (203) 330-1493

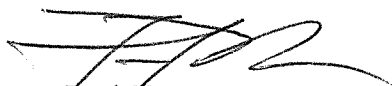
## 210 Brushy Hill Rd., LLC

November 13, 2006

Attn: Robert Sibley – Conservation Official  
Re: 210 Brushy Hill Rd.

I have instructed my engineer, Stuart Somers, Inc. to install the conservation easement markers on the above referenced property and was informed that it would be done within thirty (30) days of the date of this letter. Please feel free to contact me if you have any questions.

Sincerely,



✓ Frank Nuzzo  
Member

[Click *here* and type slogan]

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**DECLARATION OF CONSERVATION RESTRICTIONS**

The Declarant, 210 Brushy Hill, LLC for the consideration of One Dollar (\$1.00) and other valuable consideration, does hereby establish a conservation restriction as defined in Section 47-42a(a) of the Connecticut General Statutes upon the following described property in the Town of Newtown, County of Fairfield and State of Connecticut, hereafter called the Conservation Area, for the benefit of the Town of Newtown:

The area designated as "Conservation Easement Area 'A'" containing 14,273+/- square feet, "Conservation Easement Area 'B'", containing 25,928+/- square feet and "Conservation Easement Area C" containing 12,149+/- square feet located on and within Parcel B 2.05+/- acres, on that certain map entitled "Compilation Map depicting Proposed Conservation Easement, Assessor's Map 32 Block 3 Lot 3, 210 Brushy Hill Road, Newtown, Connecticut" Prepared for Frank Nuzzo by Stuart Somers Co., LLC, dated October 31, 2006, which map is to be filed in the office of the Newtown Town Clerk.

The Declarant agrees to include in any deed conveying said Parcel B, a reference to this Declaration of Conservation Restrictions, which shall run with the land as to such Parcel B.

It is the purpose of this Conservation Restriction to ensure that the Conservation Area remains in its present, natural and open condition, and to prevent any activity or use of the Conservation Area this is inconsistent with that condition or that will significantly impair or interfere with the ecological, conservation or open space values of the Conservation Area.

The Conservation Restrictions shall apply only within the Conservation Area. The Conservation Restrictions shall include the following limitations of the use of land within the Conservation Areas: no building or structure of any kind, including sewage disposal systems, wells, driveways or utilities shall be constructed or erected, nor shall the ground be excavated, graded or otherwise disturbed, and no top soil, sand, gravel, rocks or minerals may be removed, and no natural or existing watercourses or drainage may be altered without the written permission of the Newtown Conservation Commission. The purpose of the Conservation Restriction is to maintain the Conservation Area in its natural condition and to prevent its development and use except for passive recreational uses thereon by the owners of the lot containing the Conservation Area.

The prohibition against structures shall include fences, and subsurface structures including sewage disposal systems and storm water drainage systems, and shall also apply to the storage of any equipment or the use or storage of any vehicles. The prohibition on excavating, grading or disturbing the ground shall include any changes in the topography of the land from its present conditions, filling of land, the cutting of trees with the exception of removal of dead trees, removal of topsoil, sand, gravel or rocks, or

any change to the natural drainage patterns. The dumping of ashes, trash, sawdust or any similar material, and any use of pesticides or fertilizer in the Conservation Area is prohibited.

Any water detention basins, drainage ditches or similar structures on the Conservation Area shall be maintained by the owner of said Parcel B in accordance with the conditions imposed in any licenses or approval granted by the Conservation Commission.

The owner of the land restricted by the Conservation Restriction can continue to use the Conservation Area for all purposes not inconsistent with this restriction, including passive recreation (but excluding any operation of vehicles of any kind), providing screening by the planting of trees, and limited pruning or trimming of vegetation which does not have a significant adverse impact upon the Conservation Area. Provided that written permission is obtained from the Conservation Commission, the Declarant or its successor may construct utility lines across the Conservation Area. The imposition of the Conservation Restriction shall not change the charter of private ownership of the Conservation Area, and the public shall not have the right to use the area.

The Conservation Commission or its agent may enter the area restricted by the Conservation Restriction at all reasonable times for the purposes of inspecting the Conservation Area to determine compliance with the terms hereof, and shall have the authority to enforce any violation of the above stated restrictions by injunction or proceedings in equity under sections 47-42b and 47-42c of the Conn. General Statutes, and to recover any costs in enforcing this declaration, including attorneys fees and costs of suit from the owner of the property containing the Conservation Area.

This Conservation Restriction shall run with the land and shall be binding upon the Grantor / Declarant, his (its) heirs, successors and assigns, and shall be irrevocable without the written consent of the Conservation Commission.



In witness whereof, the grantor / declarant, has set its hand this 10<sup>th</sup> day of November, 2006.

James Ball  
James Ball  
Frank Nuzzo  
Frank Nuzzo

210 Brushy Hill, LLC

By Frank Nuzzo, Its Member

STATE OF CONNECTICUT )

COUNTY OF FAIRFIELD )

) ss: Shelton

On this 10<sup>th</sup> day of November, 2006, personally appeared Frank Nuzzo, Member of 210 Brushy Hill, LLC signer and sealer of the foregoing instrument, who acknowledged the same to be his free act and deed and the free act and deed of the limited liability company before me.

[Signature]

Commissioner of the Superior Court  
Notary Public

Rec'd. for Record 11/13 2006  
Town Clerk of Newtown 10:05 AM  
Cynthia S. Simon

**Robert A. Fuller**  
*Attorney at Law*  
75 East Meadow Road  
Wilton, CT 06897  
203-762-5888  
Fax: 203-762-5894

Rob Sibley, Conservation Officer  
Land Use Office  
31 Peck's lane  
Newtown, CT 06470

July 14, 2005

By fax

Re: TP Properties

The conservation restriction is acceptable and the map can be recorded.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert A. Fuller", with a long horizontal flourish extending to the right.

Robert A. Fuller

4 FAIRFIELD CIRCLE SOUTH  
NEWTOWN, CONNECTICUT 06470  
TEL. (203) 270-4350  
FAX (203) 270-1528



INLAND WETLAND AGENCY

## TOWN OF NEWTOWN

### CONSERVATION COMMISSION

December 1, 2004

TO: HERBERT ROSENTHAL, FIRST SELECTMAN  
FROM: SALLY O'NEIL, CHAIRMAN, CONSERVATION COMMISSION *Sally O'Neil*  
RE: DANA NUZZO VS. THE CONSERVATION COMMISSION OF THE  
TOWN OF NEWTOWN

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The Conservation Commission is requesting funding to proceed with this lawsuit.

Enc.

WO/am

Cc: Atty. Robert Fuller, with copy of summons

**SUMMONS - CIVIL**

(Except Family Actions)

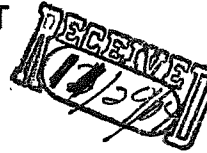
JD-CV-1 Rev. 1-2000

C.G.S. § 51-345, 51-347, 51-349, 51-350, 52-45a,  
52-48, 52-259, P.B. Secs 3-1 thru 3-21, 8-1

STATE OF CONNECTICUT

**SUPERIOR COURT**

www.jud.state.ct.us

**"X" ONE OF THE FOLLOWING:  
Amount, legal interest or property  
in demand, exclusive of interest  
and costs is:**

- ☐ less than \$2,500  
☐ \$2,500 through \$14,999.99  
☐ \$15,000 or more  
 ("X" if applicable)

☒ **Claiming other relief in addition to or in lieu of money or damages.**

- INSTRUCTIONS**
1. Type or print legibly; sign original summons and conform all copies of the summons.
  2. Prepare or photocopy conformed summons for each defendant.
  3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
  4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
  5. The party recognized to pay costs must appear personally before the authority taking the recognition.
  6. Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

RETURN DATE (Mo., day, yr.) (Must be a Tuesday) **12/14/04**

<input checked="" type="checkbox"/> JUDICIAL DISTRICT	<input type="checkbox"/> HOUSING SESSION	<input type="checkbox"/> G.A. NO. _____	AT (Town in which writ is returnable) (C.G.S. 51-346, 51-349) <b>Danbury</b>	CASE TYPE (See JD-CV-1c) Major <b>A</b> Minor <b>00</b>
ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C.G.S. 51-346, 51-350) <b>146 White Street, Danbury, CT 06810</b>				TELEPHONE NO. (w/area code) <b>(203) 207-8600</b>

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE: Individuals' Names: Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PT NC
FIRST NAMED PLAINTIFF	Nuzzo, Dana: 4 Dug Hill Road, Newtown, CT 06470			0
Additional Plaintiff				02
FIRST NAMED DEFENDANT	Conservation Commission of the Town of Newtown: 45 Main Street, Newtown, CT 06470, c/o Sally J. O'Neil, Chairman, 13 Fox Hollow Lane, Sandy Hook, CT 06482			50
Additional Defendant	Newtown Town Clerk: Cynthia S. Simon, Edmund Town Hall, 45 Main Street, Newtown, CT 06470			51
Additional Defendant	Botsford, Ronald O.: 208 Brushy Hill Lane, Newtown, CT 06470			52
Additional Defendant	Botsford, Doris J.: 208 Brushy Hill Lane, Newtown, CT 06470			53

**NOTICE TO EACH DEFENDANT**

1. **YOU ARE BEING SUED.**
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. **The Clerk of Court is not permitted to give advice on legal questions.**

DATE <b>11/18/04</b>	SIGNED (Sign and "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	TYPE IN NAME OF PERSON SIGNING AT LEFT <b>Michael C. Jankovksy</b>
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**FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:**

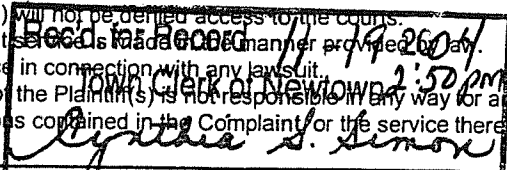
NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) <b>Quatrella &amp; Rizio, LLC, One Post Road, Fairfield, CT 06824</b>	TELEPHONE NUMBER <b>203-255-9928</b>	JURIS NO. (If atty. or law firm) <b>413628</b>
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NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code) <b>Louis C. Zowine, 1087 Broad Street, Bridgeport, CT 06604</b>	SIGNATURE OF PLAINTIFF IF PRO SE 
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# PLFS. <b>1</b>	# DEFS. <b>4</b>	# CNTS. <b>1</b>	SIGNED (Official taking recognition; "X" proper box) 	<input checked="" type="checkbox"/> Comm. of Superior Court <input type="checkbox"/> Assistant Clerk	For Court Use Only
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**IF THIS SUMMONS IS SIGNED BY A CLERK:**

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint or the service thereof.



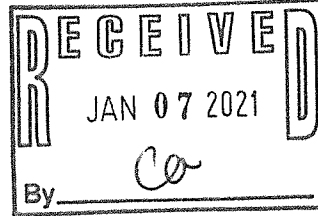
A TRUE COPY  
 ATTEST:   
**FRANK R. DELUCIA**  
 STATE MARSHAL, FAIRFIELD COUNTY

I hereby certify I have read and understand the above:	SIGNED (Pro Se Plaintiff) 	DATE SIGNED <b>11/18/04</b>	DOCKET NO.
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203-948-5301  
gcarnrick@yahoo.com

49 Marlin Road  
Sandy Hook, CT 06482



To Whom It May Concern,

I am writing to request an exchange of conservation area on a property located at 210 Brushy Hill Road recorded on 11/13/2006 in Volume 891 Page 1191.

It is my understanding that during the approval process in 2006 there were strong objections by an abutting owner at 4 Silver Brook Lane who wished to maintain his privacy. As a compromise, significant conservation restrictions were placed over areas of the property. Upon approval, the property was subsequently listed for sale and the abutting owner, who was still dissatisfied with the possibility of a home constructed behind his home, purchased the property.

In May of 2018, the owner of 4 Silver Brook Lane sold his home. Maguire Capitol LLC acquired the vacant lot in August 2019. Despite multiple meetings with staff at the land use department, Maguire Capitol LLC removed all the trees and performed grading inside a portion of two areas of the conservation easements. Maguire Capitol LLC subsequently abandoned the project.

Prior to my purchase in May of 2020, I notified the Land Use department about the disturbance to the conservation area as well as my intention to work with their department to rectify the situation. I retained Brautigam Land Surveyors and JMM Wetlands Consulting to determine the best course of action.

I have enclosed a compilation plan and report for your consideration. Jim McManis re-flagged the intermittent watercourse in the North Western corner marked #1 - #7 on the compilation plan. The original conservation easement provided a 13' buffer at its narrowest point. Since

Maguire Capitol LLC removed all of the trees and topsoil intended to protect this area of wetlands, the 13' buffer will not provide the protection originally intended by the commission. My proposal would increase the wetlands buffer to 25' by exchanging a portion of the easement intended to provide a visual buffer.

The proposed conservation area in the center of the lot provides a 25' buffer and is approximately the current limit of clearing. As noted in the attached report, "the original conservation easement within this portion of the site was laid out not so much as to provide a protective buffer to the resources, but rather as a measure that would discourage development of the lot." The original approved septic system was located just outside of the conservation easement. I was able to locate better receiving soils on the western side of the property and have preliminary approval from the Health Department to move the septic system into the area as shown on the compilation plan. This new location provides increased separation from the wetlands in that area.

As part of the approval, I will agree to place boulders along the new conservation easements to prohibit future expansion into the protected area. I will also work with the Land Use department to re-plant the disturbed area, and remove any remaining materials placed inside of the conservation area by the previous owner.

Thank you for the consideration.

A handwritten signature in black ink, appearing to be 'Greg Carnrick', with a stylized, cursive-like script.

Greg Carnrick

GRC Construction LLC

203-948-5301

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# JMM WETLAND CONSULTING SERVICES, LLC

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23 Horseshoe Ridge Road  
Newtown, CT 06482

Phone: 203-364-0345  
Mobile: 203-994-3428  
james@jmmwetland.com  
jmmwetland.com

November 9, 2020

Mr. Greg Carnick  
GRC Construction, LLC  
49 Marlin Road  
Sandy Hook, CT 06482

**RE: *Site Investigation/Delineation***  
210 Brushy Hill Road, Newtown, Connecticut  
  
*JMM Job # 20-2627-NWT-7*

Dear Mr. Carnick:

Per your request, Mr. James McManus of JMM Wetland Consulting Services, LLC (JMM) conducted a site visit at the above-referenced site on June 19<sup>th</sup>, 2020. The purpose of the investigation was to re-delineate the regulated wetland areas located in the northwestern portion of the site in accordance with the State of Connecticut Statutes (i.e., CGS Sec. 22a-36 ff) and to review the remainder of the site's upland and wetlands. The wetland delineations performed by JMM was within an area where trees and understory vegetation had been recently removed by a previous owner. This removal of vegetation took place within and adjacent to the existing conservation easement.

The subject site is located west of Brushy Hill Road, in Newtown, CT. This +/- 2.0-acre site is currently an undeveloped residentially-zoned parcel with an existing dirt access way, forested upland and wetland areas, and the aforementioned cleared area.

After a careful review of the site, which included the wetland areas in the proposed development area, as well as the locations of the existing and proposed conservation easement areas, it is JMM's professional opinion, that the regulated wetland/watercourse resources will be more than adequately protected in the long-term, and will continue to provide functions and values at similar levels as would have been provided with the prior conservation easement

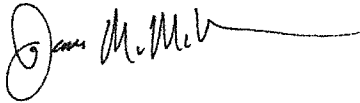
configuration. The primary reason for this assessment is due to the fact that the original conservation easement within this portion of the site was laid out not so much as to provide a protective buffer to the resources, but rather as a measure that would discourage development of the lot.

We note that the regulated resources at this location are not high functioning or particularly sensitive. With diligent monitoring of erosion and sediment control, and the 25-foot setback afforded to these wetlands, there will be no significant adverse short-term (construction) or long-term (water quality/habitat) impacts upon the regulated resources with the re-configuration of the conservation easement.

Please call us if you have any questions on the above or need further assistance.

Respectfully submitted,

JMM WETLAND CONSULTING SERVICES, LLC

A handwritten signature in black ink, appearing to read 'James M. McManus', with a long horizontal flourish extending to the right.

James M. McManus, MS, CPSS  
Certified Professional Soil Scientist (No. 15226)