

**CONSERVATION COMMISSION MINUTES**  
**Regular Meeting of August 25, 2020 at 7:00 pm**  
Zoom Information  
Website: <https://us02web.zoom.us/j/kesoSZeXpJ>  
Call-in Number: 1 646-558-8656  
Meeting ID: 952 4104 9191  
Passcode: 497198

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

Present: Holly Kocet, John Dixon, Mark Boland, Justin Kaiser

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

Ms. Kocet opened the meeting at 7:03 p.m.

Ms. Kocet welcomed Mr. Kaiser to the Commission.

**APPROVAL OF MINUTES**

Ms. Kocet made a motion to approve the minutes of February 25, 2020. Mr. Boland seconded. All in favor. The minutes from February 25, 2020 were approved.

**DISCUSSION AND ACTION ITEMS**

Application 20.05 by GRC Construction for a 4-lot Conservation Subdivision

Ms. Kocet asked Mr. Sibley to give an overview of the GRC application. Mr. Sibley reviewed the subdivision regulations and discussed various options regarding town-owned open space. Mr. Sibley compared the two proposals submitted by GRC Construction, one being a proposal for town-owned open space and the other for a subdivision conservation easement.

Mr. Boland questioned if “fee in lieu of” was an option. Mr. Sibley replied yes and stated that the balance of the property would be divided. Mr. Sibley stated that the fee would be based on either 10% of the sale or the value of the property done by an appraiser.

Mr. Carnrick, the applicant, joined the Zoom meeting at 7:20 pm. Mr. Carnrick gave an overview of the plans and the history of the property. Mr. Carnrick described the property as being 14.6 acres with a pond. Mr. Carnrick stated he would like to develop the property responsibly and his goals are to preserve the meadow and pond.

Mr. Carnrick presented two alternative plans for the subdivision; a subdivision conservation easement and a town-owned open space option. The conservation subdivision would allow 4 lots with less acreage per lot. It would preserve the property and maintain a healthy flood plain. Mr. Carnrick stated one drawback on the conservation easement is that the property owner of Lot 2 would be responsible for maintaining 10 acres of land, of which 9 acres are unusable and taxable. Mr. Carnrick was concerned that over time the property owner would not maintain the property.

Mr. Carnrick gave a detailed description of the town-owned open space option. He stated that the size of the four lots would be reduced due to the 25 ft. public accessway that would be added to the western side of the property. The field and pond would be accessible to the public and the town would be responsible for maintaining.

Mr. Boland questioned whether the town assumed liability for the pond. Mr. Sibley stated there is a blanket liability policy for town open space.

Mr. Carnrick explained that another positive characteristic of this open space parcel is connectivity. This open space parcel is located across the street from another open space parcel, which the Commission deems as favorable.

Ms. Kocet questioned if there were resources to maintain the open space. Mr. Sibley stated there is money allocated in the town budget for open space maintenance and is a “balancing act” between the other open space parcels in town.

Ms. Kocet questioned how the pond would be maintained and if it needed to be dredged. Mr. Sibley explained that the pond has no true inlet so there will not be any silt build-up. The pond hasn’t changed over the years.

Mr. Kaiser questioned whether the property owners would have any control over the open space and whether they would be allowed to mow or maintain the property. Mr. Sibley responded yes, over the years the Commission has accepted help maintaining open space parcels.

Mr. Sibley spoke about the legalities of multiple owners of the pond and the uses of the pond. There was a discussion regarding kayaking and fishing. Mr. Sibley stated that the property owners only own the surface of water, not the depth. Therefore, kayaking, for example, is allowed. Mr. Carnrick stated the pond is equivalent to 3 acres.

Mr. Boland reiterated his interest in the option of “fee in lieu of” and would be interested in knowing the monetary value of the open space. Mr. Sibley stated the Conservation Commission cannot force the applicant to offer “fee in lieu of”, the Commission can only make a recommendation. Although the Commission can require the applicant to set land aside.

Mr. Carnrick stated the property has resources that are worth preserving.

Mr. Boland questioned whether the property owners would be allowed to build docks. Mr. Sibley stated a wetland permit would be needed to build the bulk heads under the dock.

Mr. Boland stated that the property is stunning and there is evidence of beavers, as well.

Mr. Sibley appreciated the thought process by Mr. Carnrick.

Ms. Kocet moved to recommend the “alternative” map to preserve open space as illustrated on map titled GRC Construction, LLC, 13 Old Hawleyville Road, Newtown, CT, dated received August 24, 2020. Mr. Dixon seconded.

The Commission voted as follows:

- Ms. Kocet - AYE
- Mr. Dixon - AYE
- Mr. Kaiser - AYE
- Mr. Boland -NAY

The motion was passed by a 3 to 1 vote.

#### ADJOURNMENT

Ms. Kocet moved to adjourn the CC meeting. Mr. Boland seconded. All in favor. Meeting adjourned at 8:22 pm.

Respectfully submitted, Dawn Fried