

**CONSERVATION COMMISSION  
TOLLAND, CONNECTICUT  
MEETING MINUTES OF AUGUST 11, 2011**

1. Call to Order

The meeting was called to order at 7:04 p.m. in the Council Chambers.

Present were: Phil Moreschi (Chair), Cynthia MacDonald, Richard Symonds, Rich Merritt, Dorothy Mickiewicz, and Don DiGenova (Secretary). Not in attendance: Lois Query (Vice Chair), Eugene Koss.

Also present: Linda Farmer (Director, Planning & Community Development), Rosann Gottier (President, Conserving Tolland), John Pagini (Conservation Coordinator, Joshua's Trust).

Ms. MacDonald moved to seat Mr. Merritt as a voting member. Ms. Mickiewicz seconded this motion. All were in favor.

b. Addition to the Agenda

The following additions were made to the agenda:

\*Mr. Symonds moved to reorder the agenda and place the Scouts at the top. Mr. DiGenova seconded the motion. All were in favor.

2. Public Comments

a. Comments from the public – 2 minutes -None

3. Reconsider Joshua's Trust request for monetary donations as owners of the Lemek Subdivision open space at the request of the Town Council.

Mr. Moreschi explained that this item is a follow up to a letter previously written by the Conservation Commission concerning recommending against a donation to Joshua's Trust regarding land that it believed did not have public access. Mr. Pagini was at the Town Council meeting and indicated that the property did have public access. Given this information, Mr. Werbner would like to know if the Conservation Commission would like to reconsider the recommendation. A follow-up letter dated August 7<sup>th</sup> was sent by Joshua's Trust to the Conservation Commission.

Mr. Pagini, a land use planner employed as the Conservation Officer for Joshua's Trust, reviewed the information sent in the letter. Joshua's Trust is an accredited land trust with limited resources. As such it is held to strict financial and stewardship requirements. The Standards and Practices require that an accredited land trust guarantee that it have sufficient financial resources to maintain, improve, monitor and enforce restrictions on properties and easements under its control. In order to comply with the LTA (Land Trust Alliance) the Trust has implemented a series of requirements including a policy of requesting \$180/acre, more than it is asking of the Town.

Mr. Pagini explained that ultimately all properties will have public access. This is determined by conducting a natural resource inventory. While there may not be formal trails on this property there will be an access plan balanced with consideration of species of concern on the property. Access will be available via Lemek Lane and the management plan is currently under development. The property is primarily a large meadow that will require mowing and will have an information kiosk. The access drive is badly eroded and work has begun in an effort to divert runoff which is affecting the access drive including retention ponds. The property needs quite a bit of cleanup to ensure the property is safe for public use. Considerable money has already be spent by the Trust to improve the property's condition. In light of this, the Trust needs funds in order to provide perpetual

stewardship of the property.

Mr. Symonds expressed some of the concerns held by the Commission. The first was why the request for a donation was not negotiated prior to the Trust picking up the property. The second was why the property owner isn't providing the donation. Mr. Pagini explained that the actual subdivision process took about 1.5 yrs for final approval. At the beginning of the process, accreditation was not yet underway and neither a policy nor an interim policy was in place. As for why the donor isn't involved, Mr. Pagini explained that the Trust sent the donor a letter but the Trust did not receive a response and the property had already been transferred.

Ms. MacDonald explained that she felt the responsibility should be that of the property donor and that the Town should not be involved in the donation.

Mr. Pagini explained that in this situation the Planning & Zoning Commission had given the property owner the option of going to another entity (other than the Town). Hence, the Town is driving this through its own regulations.

Ms. Farmer explained that the Planning & Zoning Commission also didn't know this information. Mr. Pagini further noted that if the Town had taken the property then it would have incurred the expense so in a sense the Trust is saving the Town the cost of stewardship on the property.

Mr. Moreschi commented that he believes there is some value in diversification in the management of properties. While it is after-the-fact, there is some value in having the Trust manage the property even though there is a very dedicated Tolland Conservation Corp. Mr. Moreschi, in the future, would like to see Joshua's Trust look to the property owner and ask him/her to be involved in the process. Yet, if subject to the approval process an owner is required to donate property then this becomes another decision point for the Town in terms of who will manage the property. Ms. MacDonald noted her respect for Joshua's Trust but that the Town, in setting up the set aside requirements, accepted the responsibility for the upkeep of the properties. Her concern is that the decision of the property going to Joshua's Trust may have been made without the Town knowing the financial ramifications. She also expressed concern in setting a precedence.

Ms. Mickiewicz inquired as to how the landowner got with Joshua's Trust at the outset. Ms. Gottier explained that Planning & Zoning decided to have the land go with Joshua's Trust. She went on to clarify that the donation isn't about stewardship and cutting trails but for legal costs, insurance, encroachment etc.. Ms. Gottier noted that the land stays in Tolland but Joshua's Trust would preserve it and that the decision was made by Planning & Zoning.

Mr. Moreschi confirmed that Joshua's Trust carries the insurance on the property.

Mr. Pagini noted that policies are now in place that would prevent this type of situation from being repeated.

Mr. Symonds thanked Mr. Pagini for coming to the meeting. Initially he (Mr. Symonds) had some concerns regarding why the Town was involved when he felt that others should be. Mr. Symonds explained that the discussion reflects that there is a responsibility by the Town. It requires the open space and it shouldn't matter whether the Town takes the property or if someone else does. Given the circumstances, Mr. Symonds was in favor of modifying the recommendation.

Mr. DiGenova commented that he had written the letter sent to the Council and felt that it captured the sense of the discussion that was had at the July meeting. He noted a sense of frustration, perhaps due to the history of the Sage Meadow parcel. When walked, the Commission had some specific things envisioned and while the Commission has worked closely with Joshua's Trust in developing a plan and ideas for that parcel, there are certain things the Commission had in mind that cannot come to be due to the nature of the easement on the property. At the Commission meeting, when it was informed that the Town gave a parcel (Sage Meadow) and \$5,000 to maintain the property it presented some frustration, notably items that were mentioned in the letter. This tone was reflected in the discussion which took

place at the July Conservation Commission meeting. Mr. DiGenova asked Mr. Pagini if the Trust would ever sell off a parcel in order to fund another. Mr. Pagini explained that the Trust had never done so and that could not due to the standards. As a Trust the goal is to maintain properties, adhere to accreditation standards and welcomes Town feedback.

Mr. Symonds addressed Mr. DiGenova's concern and felt that this puts some checks and balances on the property as well as providing a much more detailed management plan.

Mr. DiGenova motioned that the Commission rescind the previous letter and recommend making the donation to Joshua's Trust with the expressed recommendation that this is a one time deal and that going forward it needs to be the responsibility of the individual making the donation of the land to the separate trust in lieu of open space. The responsibility belongs to the individual and not the Town. The motion was not seconded.

Ms. Farmer noted that she will let the Council know that this is something that in the future will be addressed by the Planning & Zoning Commission before it is finalized.

Ms. MacDonald expressed concern and noted that the donor should be the one to take full financial responsibility or at the least 50%. Mr. DiGenova inquired as to when a landowner decides to donate to Joshua's Trust rather than the Town if this decision has to be accepted. Ms. Farmer explained it is with the approval of Planning and Zoning Commission.

Mr. DiGenova withdrew his motion that did not have a second.

Mr. Symonds motioned that the Conservation Commission rescind the July advisory on the Lemek Property based upon additional information and clarification of issues. The Conservation Commission recommends to the Town Council that it would be advantageous to approve the request by Joshua's Trust for \$4448.

Mr. DiGenova seconded the motion. Discussion took place. Ms. Mickiewicz supports Joshua's Trust however she is not comfortable with the Town giving the donation. Mr. Merritt added that the property had already be transferred and is not comfortable in going back. Mr. Symonds commented that the Town has the regulations and that the Town is responsible. It is a viable piece of land that the Town should support in perpetuity. Additionally, the Conservation Commission is not a regulatory agency; it is advisory. The advisory is on the value of the property to the open space property.

Mr. DiGenova is in agreement based on the stability, maintenance and preservation of the open space forever by Joshua's Trust and is in favor of supporting the motion on the floor. Ms. Mickiewicz agrees with having a mix of property ownership but does not support this motion. Ms. MacDonald clarified that funds are in place to support open space and given this supports the motion on the floor.

Results: majority was in favor. Ms. Farmer will send the motion.

4. Boy Scouts
  - Venture Crew 422, Mansfield - 5 minutes - None
  - Troop 61, Mansfield - 5 minutes - None

5. Approval of Minutes – July 14, 2011 – 2 minutes

Ms. MacDonald moved to approve the minutes of the July 14, 2011 meeting. Mr. Symonds seconded the motion. All were in favor. Ms. Mickiewicz and Mr. Moreschi abstained.

6. Committee Reports

a. Website

Ms. Mickiewicz noted that the site now includes: two new maps, Dr. Philpotts' notes and the history of the Stoppleworth Foundation.

b. Tolland Conservation Corps - 15 minutes - None

c. Willimantic River Alliance - update - 2 minutes

Ms. MacDonald noted that although the WRA has adjourned for the summer but will start up next month so if there is any information the Commission would like to bring them she would be happy to facilitate that.

d. Education & Outreach Committee Report – 2 minutes

Information on the Walktober event is going out in the newsletter and when the time comes it will be e-blasted. Mr. John State and Dr. Philpotts are both back on board for Spring 2012. Ms. MacDonald noted that Earth Day is April 22, 2012 and falls on a Sunday.

7. Old Business

Mr. Symonds confirmed with the Commission that a letter was sent to Mr. Arthur Jacques thanking him for the work done at the dam. Mr. DiGenova noted that a letter was sent.

8. New Business

- Determine Site Walk date on the Open Space Conservation Easement on Crystal Peat & Humus - Cook Road

It was determined that the walk would take place on September 25<sup>th</sup>. Ms. Mickiewicz suggested putting up blockades to prevent further dumping on the land. Ms. Farmer will put it on the August 22<sup>nd</sup> Planning and Zoning Commission agenda as well as the Town Council agenda.

- Discuss request to change the September 25<sup>th</sup> date of the Palmer Conservation Area Grand Opening

Mr. Moreschi noted that the intent of this agenda item was to select a date which would allow Conserving Tolland to attend the Palmer Grand Opening. Ms. MacDonald suggested keeping it on a Sunday to maximize attendance and that the 1 p.m. time slot has historically worked well. Additionally, Ms. MacDonald will pull the event from the Community Newsletter listing. Ms. Farmer noted that the Tolland Conservation Corp worked very hard to make the opening possible and that the date would need to accommodate them as well. Mr. Moreschi will contact Mr. Hankinson (Conservation Corps) to see if either the dates of September 18<sup>th</sup> or October 23<sup>rd</sup> would work for the Corps. Mr. Merritt asked Ms. Gottier if it would be possible for someone other than her to represent Conserving Tolland at the event. Ms. Gottier replied that although it was possible, she would personally like to attend this as well as future celebrations. Ms. Gottier added that in the future her group would like to co-host events and believes both Conserving Tolland and the Conservation Commission needs to collaborate on such items.

Mr. DiGenova motioned that the Commission will look at the dates discussed (September 18<sup>th</sup> and October 23<sup>rd</sup>) and if agreeable with the Conservation Corps, the Commission will select one; otherwise, the event will be rescheduled for Spring 2012. Ms. MacDonald seconded the motion. Result: majority was in favor.

Mr. Moreschi noted that he believed that the Commission had been coordinating with Conserving Tolland but that the Commission will try its best to coordinate dates for future events with all interested groups. Ms. Gottier explained that she is the primary contact for Conserving Tolland but that Gael Stapleton is a liaison as well.

- Annual Report - due in October

Mr. Symonds reminded the Commission that the Annual Report would be due in October. The Commission will send sound bites to Ms. Farmer who will assemble the document. The report goes from July 1, 2010 to June 30, 2011. Black/white photos are acceptable.

- Conservation Area signage - budget for new signs

Ms. Farmer noted that the Commission's budget is \$100 for training and development, \$150 in dues (\$100 to WRAC and \$50 to CACIWC) and \$3600 for conservation area signs. It was discussed that the signs would be for the Stoppeworth, Palmer and King properties. Ms. Farmer will get prices.

9. Announcements

- October 16<sup>th</sup> – Last Green Valley's Walktober Event at 1:00 p.m., Mr. Charlie King will guide you through the beautiful King Riverside Conservation area on Dimmock Road. Rain date is October 23<sup>rd</sup>.

10. Adjournment

Ms. MacDonald motioned to adjourn the meeting at 9:20 p.m. and to pay the clerk. Ms. Mickiewicz seconded the motion. All were in favor.