

Carpenter, Matthew

From: First Selectman [firstselectman@marlboroughct.net]
Sent: Tuesday, March 20, 2012 11:13 AM
To: gaemail
Cc: "zRepresentative Pamela Sawyer "
Subject: HB 5519- AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND (public hearing testimony)- Forest Homes Road repeal
Attachments: Testimony HB5519_3-21-12.pdf

Dear GAE Committee Members:

The Town of Marlborough is requesting repeal of Section 6 of Public Act 10-1 (SB 501 June SS). The town charter requires the approval of both the Planning Commission and Conservation Commission for the purchase of real estate. The Conservation Commission, on two occasions, voted not to approve this \$13,500 purchase of 26,715 square feet from the State of Connecticut. Attached is a section of the town charter pertaining to real estate purchases and minute excerpts pertaining to State Land – Marlborough, File No. 53-98-86A located on Shepard Drive. In the future, if there is ever any consideration to offer this particular parcel to the Town of Marlborough at no cost, the town would be interested in discussing this option.

Thank you for your attention to this matter.

Sincerely,

Catherine D. Gaudinski, First Selectman
Town of Marlborough
26 North Main Street, P.O. Box 29
Marlborough, CT 06447

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firstselectman@marlboroughct.net
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Mr. Hanson was present and thanked the Commission for taking the time to review the site. Mr. Hanson noted that with additional research he found that the construction of the pond may not be in his best interests at this time.

- d. Application #11-06-Dick Farley (property owner), East Hampton Road, Independence Drive and North Main Street-Earth excavation and land clearing.

It was noted that a site walk was held on the site on April 4, 2011 at 6pm. Mr. Hautman noted that there was some conflicting information in the file and noted that they would need to table this Application at this time.

Yvonne Bolton made a motion to table Application #11-06-Dick Farley (property owner), East Hampton Road, Independence Drive and North Main Street-Earth excavation and land clearing until the May 2, 2011 meeting. The motion was seconded by Gordon Isleib and carried by a unanimous vote.

5. NEW BUSINESS

There were no new items discussed.

6. OTHER BUSINESS

- a. Aquatic Pesticide-Hartford County 411 Camp, South Road

Mr. Hautman noted that the Commission does not have the authority to approve or reject this proposal, but rather is being asked to provide feedback regarding the potential impacts this pesticide application may or may not have on the surrounding wetlands. It was noted that runoff from this site flows into the Blackledge River. It was noted that the Salmon River is also in very close proximity and could potentially be impacted.

Gordon Isleib made a motion that the Conservation Commission request that a letter be sent to the Pesticide Management Company noting the Commission's concern that the outlet flow for this particular site is the Blackledge River and in addition is concerned that this flow site is only a few hundred yards upstream of the Salmon River. The motion was seconded by Jack Bray. Gordon Isleib, Jack Bray, Don Hautman and Jim Montstream voted in favor of the motion. Yvonne Bolton abstained. The motion carried.

- b. Land Acquisition, Shepard Road

Mr. Isleib noted that there is an existing wetland across from Shepard Road. Mr. Isleib questioned what the purpose of purchasing this land was. It was noted that it is not a buildable lot.

Gordon Isleib made a motion that it is the opinion of the Conservation Commission that there is nothing noteworthy or Conservation worthy about the property and that the Conservation Commission does not recommend

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purchasing the property for Conservation purposes. The motion was seconded by Jack Bray and carried by a unanimous vote.

7. SHOW CAUSE HEARINGS

Show Cause Hearing-John Spagna, 23 Lewis Road, violation of Section 5, of the Town of Marlborough Inland Wetland & Watercourses Regulation.

Show Cause Hearing-Paul & Robin Turek, 177 South Main Street, violation of Section 5, of the Town of Marlborough Inland Wetland & Watercourses Regulation.

Gordon Isleib made a motion to continue the Show Cause Hearings for John Spagna, 23 Lewis Road, violation of Section 5, of the Town of Marlborough Inland Wetland & Watercourses Regulation and Paul & Robin Turek, 177 South Main Street, violation of Section 5, of the Town of Marlborough Inland Wetland & Watercourses Regulation until the May 2, 2011 meeting. The motion was seconded by Yvonne Bolton and carried by a unanimous vote.

8. APPROVAL OF MINUTES AND ACTION THEREON

It was noted that Jim Montstream was not seated for the approval of the minutes and Michael Kleinschmidt was seated for the approval of the minutes.

Michael Kleinschmidt made a motion to approve the meeting minutes from the March 7, 2011 meeting as submitted. The motion was seconded by Yvonne Bolton and carried by a unanimous vote.

Michael Kleinschmidt made a motion to approve the site walk minutes from the March 12, 2011 site walk. The motion was seconded by Gordon Isleib and carried by a unanimous vote.

9. WETLAND ENFORCEMENT OFFICIAL'S REPORT

There were no new items discussed.

10. ADJOURNMENT

Gordon Isleib made a motion to adjourn the meeting at 8:00 pm.

Respectfully submitted,

Karen E. DeCorleto

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Mr. Bray commented that he believes that the project will be completed to the satisfaction of the Town and the Commission and commented that they will have a chance to review the site when completed.

Mr. Asklar noted that the building was just delivered last week and commented that he is behind schedule. Mr. Asklar commented that everything recommended by the Town Engineer will be completed by next week. Mr. Asklar commented that the site will be stabilized as soon as the construction is complete.

Yvonne Bolton made a motion to determine that after review of the amended plans, the Conservation Commission has accepted Application #09-02-Marlborough Plastics, 350-356 North Main Street with modifications, noting the following conditions:

- a. The addition of the swale should be included in detail on the plans for the October 3, 2011 meeting.
- b. The parking lot retaining wall should be outlined in detail on the plans for the October 3, 2011 meeting.
- c. The Conservation Commission and the Town Engineer should do a final review of the site once the project has been completed.
- d. The Swale should be stabilized by October 15, 2011 and if it cannot be stabilized prior to that date, hay bales should be placed to run along the length of the swale.

The motion was seconded by Jim Montstream and carried by a unanimous vote.

b. Land Purchase-Shepard Road

Mr. Hautman read a letter from Bill Black, First Selectmen, addressed to the Commission, requesting approval to purchase land on Shepard Road utilizing funds from the Open Space Fund.

Mr. Hughes noted that there is approximately \$40k in the Open Space Fund. Mr. Hughes noted that the land will cost approximately \$13k. Mr. Hughes noted the potential for the land to better the neighborhood, offering space for a park or a parking lot. Mr. Hughes noted that it would also provide access to open space.

Mr. Hautman questioned the pump station site possibility that was mentioned in the letter from the First Selectmen. Mr. Hughes commented that a pump station site has already been approved for the Marlborough Commons site. Mr. Hautman also commented that this does not appear to be an attractive site.

Mr. Isleib commented that he felt they should purchase open space when made available.

Mr. Bray commented that he would not recommend the purchase of the land.

Ms. Bolton commented that the purchase does not fit with any of the goals for the future of the Town.

Gordon Isleib made a motion to make a recommendation to the Board of Selectmen that the Town purchase the Shepard Road property from the State. The motion was not seconded and did not carry.

Jack Bray made a motion that the Conservation Commission does not approve the purchase of the property on Shepard Road. The motion was seconded by Yvonne Bolton. Jack Bray, Yvonne Bolton, Don Hautman, and Jim Montstream voted in favor of the motion. Gordon Isleib opposed the motion. The motion carried.

c. Discussion-Section 12.8 Permit Amendment & Section 13 Action by Agent

Mr. Hautman noted that currently the WEO has the authorization to approve minor changes, however, when the change is significant, it will need to come back to the Commission for review. Mr. Hautman questioned if they should redefine what "significant" means. Mr. Hautman also questioned what constitutes a change in plans and commented that if the change is outside of the originally approved footprint, it should come back to the Commission for approval. If the change is within the footprint, it does not need additional approval from the Conservation. Mr. Hautman suggested a monthly form of communication be distributed by the WEO, noting any WEO permits or changes that are necessary to communicate to the Commission.

Mr. Montstream commented that he has no issue with the WEO approving changes; however, he feels that there needs to be a better documentation plan in place. Mr. Montstream commented that it is difficult to determine what significant means.

Ms. Bolton commented that she didn't feel that 12.8 needed to be changed, but felt that there is a communication issue that needs to be addressed.

Mr. Isleib commented that decisions depend on the assessment of the WEO, who still has to utilize his judgment. Mr. Isleib agreed that better communication is needed.

Mr. Bray noted that he saw this Section as an evolving process which can continually be improved with better communication.

Jack Bray made a motion to keep Section 12.8 as it is and to request that a notebook is assembled that documents monthly WEO activity to be shared with the Conservation Commission. The motion was seconded by Gordon Isleib and carried by a unanimous vote.

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March 22, 2011

Brendon Montstream made a motion to add an agenda item under New Business: *a. Buck Run Estates Subdivision - Schedule Public Hearing for April 12, 2011.* Wendy Nichols seconded the motion. The motion was approved by unanimous vote.

8. OTHER BUSINESS

Wendy Nichols made a motion to add agenda item: *Sf. Library Renovation Project 8-24 Referral.* Brendon Montstream seconded the motion. The motion was approved by unanimous vote

a. Subdivision Regulation Revisions

This agenda item was not discussed.

b. Town Center Zoning Regulations

This agenda item was not discussed.

c. Land Use Public Hearing – Notification Regulation

This agenda item was not discussed.

d. Adjournment

Brendon Montstream made a motion to adjourn. Wendy Nichols seconded the motion. The meeting adjourned at 7:40 p.m.

e. Land Acquisition – State Land – Shepard Drive

Peter Hughes stated that the State of Connecticut approached the town about purchasing just over an acre property on Shepard Drive for approximately \$13K. The town currently owns a parcel at the corner of Shepard Drive and Rt 66. The Open Space Fund account may be used to purchase the land, which can be used for open space, recreational purposes.

Brendon Montstream made a motion that the purchase of land from the State of Connecticut on Shepard Drive is in compliance with the Plan of Conservation and Development. Wendy Nichols seconded the motion. The motion was approved by unanimous vote.

f. Library Renovation Project 8-24 Referral

Peter Hughes stated that the Town Library Board of Directors and the town have received a quote for finishing the second floor of the library, including making it ADA compliant. A grant is requested for the ADA compliance work. There needs to be a small addition to the current library structure in order to house an elevator. Handicapped bathrooms will be added. The Library is paying for design work.

Brendon Montstream made a motion to endorse the 8-24 referral for Town Library expansion to second floor, including ADA compliance. This is in compliance with the Plan of Conservation and Development. Wendy Nichols seconded the motion. The motion was approved by unanimous vote.

Brendon Montstream made a motion to request that Peter Hughes draft a letter from the Planning Commission in support of the Library Expansion project, to be attached to the grant application. Wendy Nichols seconded the motion. The motion was approved by unanimous vote.

Respectfully Submitted,

Kathryn Parker
Board Clerk