



TOWN OF ESSEX
Conservation Commission

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Executive Board

*Kathleen Tucker, Chairman
Jim O'Brien, Vice Chair*

Regular Members

*Richard Helmecki
Tom Soboleski
Elizabeth Stulga
Drina Zuvic*

Regular Member

1 Vacancy

Alternate Member

2 Vacancies

A meeting of the Town of Essex Conservation Commission
Thursday, March 14, 2024, in Room B, at 7:00 pm.

1. Call to Order and Roll Call: K. Tucker called the meeting to order at 7pm. In Attendance: R. Helmecki, J. O'Brien, T. Soboleski, K. Tucker, and D. Zuvic, newly appointed commissioner. Absent/Excused: E. Stulga.

Others in attendance:

Town of Essex Land Use Official/Wetlands – Carey Duques
Planning and Zoning Chairman – Russell Smith

Public: Cameron Evangelisti, 10 Foster Lane, Ivoryton, CT

2. Public Comments-none

3. Presentation Of Information Relating to Conservation Easements (Map 34 Lot 1-04 and Map 37 01-03), Subdivision and Open Space Requirements 10 Foster Lane, Ivoryton: C. Duques reported that C. Evangelisti asked the Planning & Zoning Department about the 1999 conservation easements at his property at 10 Foster Lane and Foster Lane (no address number). In 1999, Planning and Zoning were two separate commissions. The original subdivision plan shows both the conservation easements and open space. The current Planning & Zoning Commission agreed to remove the easements if the Conservation Commission had no objections to removal. P&Z asked ECC to issue a letter to P&Z stating that fact.

R. Smith, who was Chair of the Planning Commission in 1999, said that, at that time, it was a priority for the Town to have more open space. C. Duques said that subdivision regulations require that open space be set aside based on the number of subdivision lots applied for.

J. O'Brien reported that in October 1999, Tony Hendricks, an engineer and land surveyor, presented a Subdivision Plan to the Planning Commission for 9 lots to 6 lots with land turned into open space and

conservation easements. This was reviewed by Town Counsel and signed by town officials to make sure the plan was correct.

T. Soboleski corresponded with Ailla Wasstrom-Evans of the Connecticut Land Conservation Council for a definition of Conservation Easement. Wasstrom-Evans provided the following from the Connecticut Conservation Easement Enabling Act:

Sec. 47-42a. Definitions. For the purposes of sections [47-42b](#), [47-42c](#) and [47-42d](#), the following definitions shall apply:

- (a) “Conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

- (b) “Preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

K. Tucker asked if Open Space and Conservation Easements are only for use by the owners of lots within the subdivision. Tucker referred to the Essex Conservation Commission Easement and Restriction Inventory Assessment conducted in 2012 by Jenna Klink, former UCONN intern, from a GIS survey completed by Wendy Arnold for the Town of Essex, as well as the Inventory of Conservation Easements and other historical town matters researched by Don and Shirley Malcarne, 2002-2018.

C. Evangelisti asked about a large map developed for Connecticut Light & Power. T. Soboleski and D. Zuvic said this map would have been for utilities purposes and does not supersede a deed map.

T. Soboleski said that there are inconsistencies with no mention of the subdivision property at Foster Lane. Discussion took place about the need for documentation for the approved easements. J. O’Brien asked if Attorney Larry Shipman has weighed in on this matter. C. Duques said that Shipman acknowledged that there are inconsistencies. J. O’Brien said that this is a legal issue. C. Duques noted that the next steps would be to consult Town Attorney David Royston about the identified inconsistencies at 10 Foster Lane and to find out about the terms of the conservation easements. R. Smith recommended conversing with Gary Mitchel, one of the original owners of the Mitchel-Foster subdivision, to inquire as to whether Mitchel Farms has records on the Falls River Farm subdivision transaction. Smith said the town taxes on the open space are not paid by the subdivision lot owners.

Next steps: 1. C. Duques will ask for input from Town Attorney Royston. 2. R. Smith willing to take the discussion back to Planning & Zoning and to inquire if G. Mitchel is still paying taxes on the Open Space at Foster Lane. 3. K. Tucker asked that the Land Use Office continue to pursue the digital records of the 2002-2018 historical Open Space and Conservation Easement records originally researched by then town historian, Don Malcarne, and Shirley Malcarne.

K. Tucker thanked C. Duques and R. Smith for presenting at the meeting. With a motion by D. Zuvic and a 2nd by T. Soboleski, a motion was accepted to table this discussion. T. Soboleski said that this issue is consequential for ECC.

4. Old Business to include:

A. Trail reports and management issues in town preserves:

1. Bushy Hill Preserve: R. Helmecki said he walked all but the Orange Trail March 16. There is water everywhere. He said that there is one downed tree across the Red and Blue Trails but it is passable. The west side of the Blue Trail is muddy; the Eagle Scout Bridge is very wet. K. Tucker said that she walked Bushy Hill about a week ago and that the vernal pool to the left of the entrance trail was a vernal "pond." Helmecki said he did some culvert cleaning to enable run-off water to flow. Hikers continue to visit the preserve despite wet conditions.

a. Schedule Work Party to Stake Switch Back Trail Oakledge Drive Entrance: Monday, March 18, 1pm. R. Helmecki will bring wooden stakes and T. Soboleski will bring marking tape.

b. Bog Bridge: J. O'Brien said that former commissioner M. Reeves is storing the bridge lumber. T. Soboleski (with E. Stulga) will inventory the wood. At issue: can the bog bridges be constructed on site?

D. Zuvic had to leave the meeting at 8:20pm.

c. Other: K. Tucker reviewed bids for removing the dead trees at the Bushy Hill Preserve parking entrance: Howard Tree Service (\$1200) and Mad Lawn & Tree Service (\$1275). With a motion by J. O'Brien and a 2nd by T. Soboleski, all agreed to hire Howard Tree Service with the request that the chipped wood be left for use on the entrance trail. R. Helmecki complimented the Essex Dept. of Public Works for a great job in adding crushed stone to the parking area at Bushy Hill Preserve.

2. Canfield Meadow Woods: T. Soboleski reported that he took a good walk in the preserve about 10 days ago; he said that the Essex side looks good. One fallen tree is on the Margaret Canfield Trail; a second tree is across the Blue Canfield Trail. Tom reported he would chain saw them.

T. Soboleski said that EverSource contacted him as they need to do tree trimming at Eagle Ridge. He and the representative walked the Trail. He did not know if there would be tree trimming along VHBP. Soboleski will follow up.

3. Viney Hill Brook Preserve
 - a. Report on Site Walk Monday, February 12th

T. Soboleski, K. Tucker, and E. Stulga walked Broadwalk and Quarry Pond Trails, the Right of Way Road and Wildflower Meadow. They took measurements to determine how much lumber is needed to build more bog bridges allowing hikers to walk above the many wet areas on Broadwalk. K. Tucker said that lumber needs to be purchased by June 30. Discussion took place about where the lumber would be delivered and if the Valley Warriors from VRHS could assist. K. Tucker said the trail, from the passive parking area to Quarry Pond, has suffered a major wash out. There are 3"-6" deep ruts in need of fill and repair. Discussion followed regarding the recent unauthorized cut-back of dormant shrubs and vegetation on Quarry Pond trail. J O'Brien will review the Doane survey and Soboleski will photograph the area in question. T. Soboleski to install dog waste removal signs at entrances to Forest Glade and Upland Trails.

- b. Other: None.

4. Other: None.

B. Review and Approve Letter to Land Trust Alliance Accreditation Commission in Support of Essex Land Trust Re-accreditation: With a motion by J. O'Brien and a 2nd by T. Soboleski, the letter was approved with amendments.

5. New Business: None.

6. Financial Report YTD and Proposed Expenditures: \$8,247 remains FY2023-24. Contracted expenditures: \$2500 All Habitat, LLC. mosquitoes; \$1500 phragmites treatments VHBP; \$1200 Howard Tree Service dead tree take-down Bushy Hill Preserve. Anticipated expenditures: lumber, pollinating plants, seeds, and shrubs. R. Helmecki to order additional Essex Conservation Commission hats for commissioners to wear while working in the preserves.

7. Review and Approve February 8, 2024 Meeting Minutes: With a motion by T. Soboleski and a 2nd by J. O'Brien, the minutes were approved.

8. Other: No other business.

9. Adjournment: With a motion by T. Soboleski and a 2nd by R. Helmecki, the meeting was adjourned at 9:11pm.

Next Scheduled Meeting Thursday, April 11, 2024, 7:00 pm

Respectfully submitted by,

Susan K. McCann
ECC Clerk