

Beacon Falls Conservation Commission
10 Maple Ave.
Beacon Falls, CT 06403



BEACON FALLS CONSERVATION COMMISSION
Monthly Meeting Minutes
December 7, 2015
(Draft Copy-Subject to Revision)

1. Call to Order/ Pledge of Allegiance

Chair Lori Paradis Brant called the meeting to order at 6:37 PM.

Commissioners present: Chair Lori Paradis Brant, Vice Chair Bonnie Chevarella, Secretary Sophie Zyla, Ruth Burritt, Ashleigh Doherty, Tanya Gutierro (arrived at 7:23)

Commissioners absent: Michael Opuszynski

Others present: 9 members of the public

Chair Lori Paradis Brant greeted the commissioners and members of the public and read the Conservation Commission's mission and purpose statement as a reminder of why we are here. She explained that this will be an abbreviated meeting with a guest speaker.

The Conservation Commission's mission and purpose is to protect the natural environment of Beacon Falls by monitoring the development, conservation, supervision and regulations of natural resources, including water resources within its territorial limits.

The commission keeps an index of all open space areas, publicly or privately owned, including open marshlands, swamps and other wetlands. Working in conjunction with the Land Use Committee, the conservation commission advocates for the proper use of these valuable resources.

2. Approval of Minutes – November 2, 2015

Motion to accept the November 2, 2015 meeting minutes: Chevarella/Zyla; all aye.

3. Correspondence -

- Fall 2015 SW Conservation District "Soil & Water" newsletter
- Postcard reminder from CT Land Conservation Council about their 2016 annual CT Land Conservation Conference on Saturday 3/19/16 at Wesleyan University, Middletown
- Memos dated November 16, 2015 from the Board of Selectmen reappointing the commissioners and appointing Ashleigh Doherty to the Conservation Commission; all have terms expiring on 11/2/21

4. Comments from the Public

Christine Yanelli from the Naugatuck Conservation Commission explained that she was gathering information for their newly established commission.

First Selectman Chris Bielik thanked everyone for coming and to the Conservation Commission for their good work and for arranging to have a speaker at the meeting.

5. Membership Update -

a. Appointments

L. Brant reminded the commissioners to write their brief bio and submit that with a photo to be posted on the Conservation Commission website.

ACTION: All commissioners who have not already done so are asked to email a bio and a photo to Ruth Burritt to be posted on the Conservation Commission website.

ACTION: Clerk M. Melville will update the commission roster and distribute as well as update the membership list on the town website.

L. Brant gave kudos to Sophie Zyla for sharing notes from the workshops she attended on invasive plants, pest management and invasive forest insects at the CACIWC conference on November 14, 2015.

6. Land Use Committee Update - no meetings have been held

M. Melville noted that it was posted to the town website that the November 25 and December 23 meetings have been cancelled and will not be rescheduled.

7. Open Space Management Update - NTR

8. Subcommittee Updates

a. Land Use (Ruth Burritt, liaison to the Land Use Committee) - no meeting

b. Recognition and Grants (Ruth Burritt) - no update

c. Open Space Inventory (Mike Opuszynski) - not available

d. Natural Resource Inventory (Sophie Zyla) - no update

e. Website (Sophie Zyla & Ruth Burritt)

M. Melville gave R. Burritt relevant files from the town website via flash drive.

L. Brant suggested R. Burritt project the website at the January meeting for the commissioners to review and provide feedback.

Ashleigh Doherty noted that she has website experience and is willing to help R. Burritt with the Conservation Commission website.

f. Outreach Activities (Lori Paradis Brant)

A press release was published in the November 13 Citizen's News about taking the November 15 Recycling Pledge but it had no mention of the Conservation Commission social media presence.

L. Brant noted that the next outreach activity is Beacon Falls Loves Our Trails focused around Valentine's Day 2016. Photos and comments related to the town's trails and open space will be posted to the Conservation Commission Facebook page.

ACTION: Members are to take photos of town trails, especially Lantern Ridge, and email them to Sophie Zyla prior to February 14, 2016.

9. **Payment of Invoices -**

a. Clerical invoice

Motion to accept Clerk Martha Melville's invoice requesting payment of \$83.75 for the December 7, 2015 meeting and associated administrative work and pay the bill as submitted: Burritt/Zyla; all aye.

10. **Task List**

a. Preparing for 2016

L. Brant requested that for the January meeting the commissioners consider the 2016 budget and what will be needed especially for any outreach and maintenance activities.

ACTION: L. Brant will resend the Open Space Inventory to the commissioners and will ask Mike Opuszynski to give an overview.

L. Brant also noted that 2016 goal setting will be discussed at the January meeting.

11. **Announcements** (7:00 p.m. Land Use Presentation)

First Selectman Chris Bielik presented to former Conservation Commission Chair Diane Betkoski an Official Proclamation from the Town of Beacon Falls declaring December 7, 2015 as Diane Betkoski Day recognizing her volunteerism and years of leadership on the Beacon Falls Conservation Commission as well as her efforts in establishing Lantern Ridge as open space for the townspeople to enjoy.

Chair L. Brant introduced her friend and colleague, Amy Blaymore Paterson, as guest speaker to address land easements and discuss the process and cost associated with updating deeds to ensure open space is preserved in perpetuity. L. Brant explained that Amy joined the Connecticut Land Conservation Council (CLCC) in

2010 as its first Executive Director. Working with the CLCC Steering Committee, Amy provides the Connecticut conservation community with technical assistance, training and advocacy to further advance permanent land conservation across the state. Before joining CLCC, Amy served as a Project Manager for The Trust for Public Land, overseeing several complex conservation transactions, and worked for over twenty years as an attorney, concentrating her practice in land preservation and environmental protection. Prior to moving to Connecticut, Amy was an attorney with the U.S. Department of Justice. She received a BA from Franklin & Marshall College and her law degree from the University of Denver. In recognition of her years of work in conservation, Amy was awarded the 2014 Women Inspiring Conservation in Connecticut Award presented by Lieutenant Governor, Nancy Wyman and sponsored by The USDA Natural Resources Conservation Service, The Farm Service Agency and the Connecticut Association of Conservation Districts. On September 24, 2015, Amy was awarded the Rockfall Foundation's President's Award.

Ms. Paterson noted her interest in conservation and would provide general information in this presentation, not legal advice. She cautioned that each situation was different, and advised conferring with the town's attorney on specific matters.

Ms. Paterson mentioned some handouts she brought to this meeting from the CT Land Conservation Council, highlighting the annual conference on Saturday March 19, 2016 (ctconservation.org) and the CT Farmland Trust.

Ms. Paterson begin her talk with an analogy of visualizing land ownership as a "bundle of sticks". A "bundle of sticks" represents the land owned and each stick is the right for something related to that property such as the right to construct roads, right to remove minerals or timber, right to farm, or subdivide, restrict access, and as a land owner you can opt to give up some of the sticks but continue to maintain ownership; or transfer development rights, or keep the land to farm and not develop.

Ms. Paterson noted that as a conservation restriction, an easement is defined in legislation by the Connecticut General Statutes for permanent protection of town open space and that easements are a form of land protection; a document that puts restrictions on land. These statutes ensure the restriction is forever and enforced; but noted limitations may exist to ensure the land is preserved in its natural state.

A land owner cannot violate easements such as building on an easement, enforcement is required. If there are restrictions in the deed, those can be part of a covenant in land conditions. A covenant is a promise or agreement which can be restricted in the deed and stays with the land when sold, anyone buying the property has to agree to those restrictive conditions.

Protecting town owned land:

Ms. Paterson explained dedication which can be expressed with a conservation restriction in the deed, where the only purpose for the land is for open space for the town. The town could not sell the land or have any other activity on it other than for what it was intended.

Ms. Paterson also explained implied dedication, when a land donation is made to the town with clear intent that it be used only for open space. The State Attorney General's office would investigate any complaints of violations of the use of open space.

Ms. Paterson informed the group of the open space state grant program where a town can apply for and receive up to 65% of the purchase price for land to be designated as open space. The State of Connecticut would co-hold any easements for added protection.

The municipal use of open space land purchased through a state grant shall not be conveyed unless it is to another town or state and can only be used for recreation or conservation.

Ms. Paterson quoted several statutes to use as examples of open space protection dedication; especially when the donor of land expressly stated the intent for the use of the land donated to the town.

When dedicating land to the town, any restrictions, the date of dedication, and local government body that approved it is recorded in the land records.

In a public trust doctrine, the town must abide by conditions placed on the donated land.

Ms. Paterson addressed the question about changing the deeds of existing town open space parcels which were donated. She advised to consult the town's attorney and that there would be legal costs and recording fees to have open space deeds be uniform and in perpetuity.

A question on eminent domain was raised: A. Paterson noted that the required layers of public participation would provide more protection.

Ms. Paterson suggested hosting an open forum to answer questions of potential land donors as a form of outreach.

A. Doherty, also a lawyer, shared her experience with a restrictive covenant that was in a deed for property which had a restriction about animals on the land. During a dispute with neighbors, research was done and found there were restrictions on the land that prohibited horses on the property. The new property owner had to abide by the deed and get rid of his horses even though previous owners had had horses on the land for years and the restriction had been forgotten or ignored and ultimately this information had not been passed on to the new property owners.

Ms. Paterson suggesting a dedication when deeds aren't clear, but it was the intent even though it doesn't expressly say for open space and in perpetuity in the deed.

L. Brant thanked A. Paterson for sharing all of this information and for taking the time to talk to the Conservation Commission.

The next regular monthly meeting will be held on Monday, January 4, 2016 at 6:30 p.m. in the Town Hall Assembly Room.

12. Adjournment

Motion to adjourn the meeting at 8:20 PM: Doherty/Chevarella; all aye.

Respectfully submitted,

Martha Melville
Clerk

CC:
Conservation Commission members
Board of Selectmen
Planning & Zoning
Inland Wetlands
Park & Rec Commissions