

Town of Canaan
Inland Wetlands/Conservation Commission
Minutes of Regular Meeting, March 18, 2024

Members Present: Mark Burdick, Brant Burz, Matt Gallagher, Susan Kelsey, Ellery Sinclair
Others Present: David Mallison, Jandi Hanna, Tracy Atwood

Meeting was called to order at 7 p.m. by Chairman Burdick. By consensus, the Commission agreed to add 'Other, as necessary' to the agenda under 'New Business'. Minutes of February 26, 2024 were read. Burdick requested that the minutes be amended to include under 'Old Business, D' that Pixley gave the Commission verbal permission to enter his property to assess the drainage conditions. Gallagher made a motion to accept the minutes as amended; seconded by Burz; passed unanimously.

Public Input: none

Old Business:

- A. Undermountain Road Drainage:** Sinclair reported that he had contacted David Hussong of NRCS and that Hussong is planning a site visit on March 25th at 2 p.m. Burz asked for clarification of the drainage issue and Sinclair reiterated that the field across from his house is currently receiving more water than it ever has during the fifty years that Sinclair has lived there; cattle had historically been pastured there but now the field is too wet for pasturing. Burz suggested running a stone-lined ditch parallel to the stonewall from the point of the culvert exit (and between the stonewall and fence) to the brook. Burdick has spoken with Selectman Kinsella as roadside drainage is under the purview of the Town. Sinclair expressed interest in having the Commission being represented during Hussong's site visit. Burdick will inform Pixley of the said site visit.
- B. Falls Village Housing Trust Permit Renewal:** Kelsey made a motion that the Commission renew the FVHT permit originally approved on April 15, 2019, for an additional five years; seconded by Burz. Kelsey reviewed with the Commission the State statute pertaining to wetland permit renewal. Renewal is allowed, providing circumstances have not changed significantly that would necessitate a new application. The initial permit was issued for the construction of eight separate buildings with 28 units; the revised permit is being requested for only five separate buildings and 16 units, which would actually reduce the total amount of runoff from the site (a primary concern of the Commission when reviewing the original application). Members had reviewed the documents and reports forwarded by Wernz and The Falls Village Housing Trust, and were in consensus that due diligence on part of the FVHT in regards to environmental concerns was demonstrated. Burdick made a motion to amend the motion to include that the original permit 1) be updated to reflect the reduction in number of buildings and housing units, 2) be signed by the President of the Housing Trust, and 3) be considered as an application for permit renewal; seconded by Sinclair; passed unanimously. The main motion, as amended, passed unanimously. Kelsey will issue a revised permit.
- C. Community Fuelwood Program Update:** No update.

- D. Coolidge Beebe Hill Property Discussion:** Burdick reported that several abutting property owners to the Coolidge property have expressed interest in its preservation and/or conservation. It appears that a professional appraisal would be an appropriate, although costly, course of action to determine the property's fair market value. The primary concern with seeking assistance from both private and State preservation organizations is the lengthy timeframe inherent with the process. David Mallison, real estate agent for the Coolidges, shared that currently the plan is to apply for a four-lot subdivision. He also said that to date, interested buyers have expressed that the entire parcel is more than what they are seeking for in acreage for a building lot. Plans currently are to create two, 5-acre lots at the lower elevation of the parcel, with two larger lots up on the hill; possibilities exist for preserving the upper portions of the property. Mallison commented on the severe erosion occurring within the Beebe Hill watershed, citing extremely deep, eroded gullies. Burdick reiterated that in order to preserve even a portion of the property, someone would need to purchase the property upfront and subsequently negotiate a conservation restriction or sale of development rights.
- E. Flaton/Lancto Property Development/Conservation, 166 Undermountain Road:** Sinclair reported that Flaton is still in the process of obtaining an appraisal for her property, in conjunction with applying a conservation restriction on a significant portion of the land.

New Business :

- A. Davidson Inquiry, Brewster Street:** Kelsey reported having spoken with the owner of the former Lanier/Arvidson property. The plan is to replace the culvert under the driveway leading to the house and barns as it appears to be compromised. Burdick had spoken with Stephen Dean also regarding the project. She was advised to submit an application, with details, to the Commission; engineering plans would be asked for if determined necessary by the Commission.
- B. Housatonic River Commission Appointment:** Sinclair expressed the need for an additional member from the Town to be appointed to the River Commission. Members "brainstormed" and offered Sinclair several suggestions, which he will pursue.
- C. Commission "Resolution":** Discussion took place regarding conflicts in scheduling commission and board meetings in the town hall. There have been numerous occasions when the IW/CC has had to hold their meeting around the Town Clerk's desk. Burdick expressed that this is not acceptable as the Commission often has several guests in attendance and that the space cannot accommodate everyone in attendance; there needs to be a way, going forward, to prevent these conflicts. Burdick wrote a "resolution" addressing this situation and said resolution was discussed. Suggestions were offered to rectify the situation, including that a calendar be hung in the town hall and updated monthly and lists posted on the bulletin board of the meeting dates for the year for all commissions. Burdick will speak with Selectman Barger and the Town Clerk.

Routing Sheets: none.

Communications:

- A. An email from Janell Mullin, ZEO was read to the Commission by Burdick. The email was to inform/remind the IW/CC of the “parameters and limitations of our authority”. The memo was prompted as the result of the Coolidge subdivision being on the IW/CC agenda and the project engineer expressing his concern to the ZEO that we are discussing the subdivision without any jurisdiction or authority. The memo included a statement that drainage was not under our purview, but rather under the jurisdiction of the P&Z. Members discussed the Commission’s role not only as a wetlands commission, but also as a **Conservation** commission. Consensus of members was that as a Conservation Commission we can discuss subdivisions at any point during their approval process, especially as they impact agricultural land, which has been a continuing priority in the Town’s Plan of Conservation and Development. Burdick reminded members that drainage concerns involving Beebe Hill have been brought to the Commission over a period of more than 40 years; P&Z has assumed a minimal role, if any, in addressing and/or resolving citizen’s concerns. Kelsey reminded members that extensive erosion and subsequent sedimentation from several gullies on Beebe Hill has resulted in significant deposition of sediment into the wetland that drains into Kellogg Pond. Several members expressed concern that the memo appeared biased and suggested that Burdick prepare a written response to the ZEO, reminding her of our dual roles as both Inland Wetlands Commission and a Conservation Commission. By consensus, it was agreed that Burdick reply to the memo.

By consensus, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Susan Kelsey, secretary