

TOWN OF POMFRET
CONSERVATION COMMISSION MINUTES
MEETING OF FEBRUARY 11, 2010 7:00 PM
POMFRET OLD TOWN HOUSE
(THESE MINUTES HAVE NOT BEEN APPROVED)

Members present: Cheryl Kapelner-Champ, Chairman; Lisette Rimer, Ann Hennen, Murray Buttner, Pamela Cartledge, Secretary, James Robbins, Leigh Grossman, Liz Cartier, Eric Johnson, and William Lewis. Members Absent: Walter McGinn, Vice Chairman; Robert Lussier, Alternate, and Linda Rich, Alternate.

I. Call to order at 7:00 p.m. Cheryl Kapelner-Champ, Chairman called the meeting to order at 7:05 pm. James Rabbitt was present and introduced by Kapelner-Champ.

II. Seat Alternate as needed – No one was seated.

III. Items to be added to the Agenda – None.

IV. Approve Minutes of the Meeting of January 14, 2010. Murray Buttner made the motion to approve the minutes as amended. Bill Lewis seconded. Approved unanimously.

V. Citizen Participation –Unfinished Business –

1. Stone Wall Ordinance - Kapelner-Champ asked James Rabbitt, Town Planner, to speak to us about stonewall protection at the March 2010 meeting. She introduced him and he spoke about the issue. Rabbitt stated that there are three ways to protect stonewalls in CT. 1) Ordinance – town meeting and majority of the people vote to adopt the ordinance. Redding, Harwinton and Mansfield elude to stonewall protection in their subdivision regulations. No ordinance in CT. 2) Zoning regulations can provide some protection. This is specific to Ct. General Statutes on Land Use. 3) Subdivision regulations. This is what Redding, Harwinton, and Mansfield use. Of course, if the property is not being subdivided, there is no protection. There are excavation regulations which encompass stonewalls. There were questions about the process. Hennen stated that we are mostly resigned to the scenic road and highway stonewalls. Kapelner-Champ asked about the Antiquity Act to protect national ruins and we are interested in the culture of our New England area. Rabbitt stated that you can protect national ruins, constant farming has exposed the stones which were made into stone walls. There are many different kinds of stones indigenous to New England and many different kinds of

“New England stone walls. Most were built around the Revolutionary War and Civil War times and some Indians built walls. They are no more than 200 years old. Through subdivision and the site development plan you can regulate removal and reuse of stone, stone walls, sand, gravel, trees and earth extraction. An ordinance in CT along a scenic road allows you to protect grading, curb cut, non-residential and new roads.

You would need a separate ordinance for internal and external walls; you would need to define historic stone wall; develop how it would be manipulated; Robert Thorson’s book of 2002 is a good resource; and you have to deal with generations of new legislation and a person’s property rights. You must decide how far you will go to defend a regulation/ordinance. Rivers stated that the Selectmen feel it is a matter of home rule and personal property rights.

There was more discussion about the beautiful walls in Pomfret, the different kinds of wall in New England, our cultural heritage and character of Pomfret and our town roads. Rabbitt pointed out the many “new” stonewalls in Pomfret that are making a history for the town. There are rubble walls, upgraded rubble walls, loose walls, mortared walls, and privacy walls. There are also stonewall which are property lines and owned by both landowners.

Robbins asked Rivers why the Selectmen are 100% against the ordinance. Rivers stated that it is a property rights issue, enforcement and the cost of enforcement, and the issue may be used to get your neighbor back for something else. Rivers stated gave a number of examples of stonewalls he deals with on his property and on the town highways.

Rabbitt stated that it is difficult to enforce and he was asked if he would draft something for the commission to look at and act upon. He stated it would be necessary to beef-up zoning and subdivision regulations. Fining ability, and a board of appeals. There was also discussion about incentives such as tax credit and 490 penalties. Kapelner-Champ asked Rabbitt to formulate wording for cultural heritage, state and town right of ways, existing walls from being removed, and it is OK to repair a wall.

2. Farm Program Update – Phil Chester guest speaker for 3/11/10 meeting finalize preparation needs. Snow date is 3/25.

3. Aquifer Protection Update – Pam, Bill and Cheryl are the sub-committee.

4. Lois Orswell Award – We have some nominees to work with.

VI. New Business

1. Breaking into subcommittee work groups as time permits. There was no discussion.

2. Rivers stated the budget meeting will be in April or May. Murray Buttner made the motion to add Jim Rivers to the agenda about the budget. Bill Lewis seconded. Approved unanimously. Rivers discussed the money that has been put aside to purchase property. He stated that

the general budget is flat this year. Education is a 5.9% increase – general government flat – and grand list up 2.6% = slight raise in taxes. Rivers also discussed the Land Conservation and Acquisition projects that are still in the works.

VIII. Report of other town committees, subcommittees and workshops

1. Easement Program Report Up-dates. No new ones have been done due to winter weather.

IX. Communication and Mail – Hennen reported about the Town Meeting for 2/25/10 to accept grants. Mail was passed around.

X. Citizen Participation – None.

XI. Things to Remember –

- a. Pick up trash at Canoe Launch
- b. Pomfret/Putnam Airline Trail
- c. Bring canned or boxed food items for Food Pantry to Town Hall.

XII. Adjournment – Murray Buttner made the motion to adjourn. Bill Lewis seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk