

EAST LYME COMMISSION FOR THE Dec 21 20 09 at 10.55 AM
CONSERVATION OF NATURAL RESOURCES PM

Esther B. Williams

EAST LYME TOWN CLERK

REGULAR MEETING
East Lyme Town Hall, 108 Pennsylvania Avenue
December 8, 2009, 7:00 P.M.

Members Present: Arthur Carlson Chairman, Marvin Schutt Secretary, Mark Christensen, Tom Kalal, and Ruth Reluga

Also Present: Gary Goeschel, Planning Director (Part Time)
Rose Ann Hardy, Acting Ex-Officio Board of Selectman
(arrived after Agenda Item IV, A 2)
Steve Harney, Developer

Call to Order: Chairman Carlson called the meeting to order at 7:05 P.M.

I. Additions to the Agenda:

Site Walk Report, Meeting Schedule for 2010 Meetings, Work Shop Reports, Bio Assessment Reports

II. Public Delegations

There were no Public Delegations.

III. Approval of Minutes from October 13, 2009 Regular Meeting

Motion (1) Tom Kalal moved and Mark Christensen seconded that the October 13, 2009 Regular Meeting Minutes be Approved.

The following Revisions were identified:

Page 2 last paragraph change: "doing research" to "conducting water quality measurements".

Page 3 under section c. Nature of East Lyme Program item 1. change: "casual" to "occasional".

Page 4 Motion 2 change: person seconding from "Ron Nichols" to "Mark Christensen" and the Motion passed from "6-0" to "5-0".

Page 3 Motion 3 change "Ron Nichols" to "Marvin Schutt" and Motion passed from "6-0" to "5-0".

Motion (1) was approved (4-0-1), subject to the Revisions above being incorporated, with Ruth Reluga abstaining.

IV. Old Business

A. Nature of East Lyme Program

1. Bio-Assessment of Inland Waters scheduled for 2010

Ruth Reluga submitted the written "Report on Rapid Bio-Assessment in East Lyme's wadeable Streams and Rivers sponsored by the State of Connecticut Department of Environmental Protection" supplemented by explanatory remarks. The Report is attached to the Minutes.

Mark Christensen asked Ruth who owns the shoreline. Ruth stated she would investigate.

2. Invasive Species, Tree Identification, etc.

Arthur Carlson spoke briefly about the plans Joe Mingo has for permanently identifying trees, flowers, invasive species and other such things. Later in the meeting, Arthur made the point that all invasive species are not considered harmful.

3. Open Space Mailing

Arthur gave an overview of the information in the letter to the property owners listed in the Open Space Plan having land which is a candidate for preservation. He stated this is a very carefully written letter requesting the property owner give the Town first refusal, without obligation, on an arrangement which would have this land preserved in perpetuity. Also, he mentioned other helpful information that would be forwarded and that the letter would be signed by the First Selectman and the Chairman of the East Lyme Commission for the Conservation of Natural Resources.

V. New Business

A. C.L.& P. Policy on ATV use

Correspondence (Flyers) titled "Operating ATV'S on Transmission Rights-of-Way" and "Managing Access to Transmission Rights-of-Way", issued by Northeast Utilities, were forwarded to the Commission via Planning for information. There was no discussion or action taken on this correspondence at this meeting. These flyers are attached to the Minutes.

B. Public Open Space Management

Arthur emphasized the importance of determining the step by step process of Land Acquisition and Open Space Management by the Conservation Commission with its legal ramifications. He stated that this will be determined in meetings with the First Selectman and consultation with Town Counsel.

C. Site Walk Minutes

The Minutes prepared by Ruth were read and are attached to the Minutes.

Motion (2) Mark Christensen moved and Marvin Schutt seconded the Motion to approve the Minutes of the Site Walk prepared by Ruth Reluga. The Motion passed (4-0-1). Tom Kalal abstained because he did not attend the Site Walk.

D. Workshop Reports

Workshop, Seminar, and Symposium Reports were given by Ruth, Arthur, Mark, Tom and Marvin. The major points are summarized as follows:

1. Attendance was considered worthwhile because it provided an opportunity to meet and talk with other people interested in the common cause of preservation, with experts in their field making presentations and offering their counsel in the future
2. Collaboration in Plans of Action is the key to success.
3. Facts and science should be considered before making decisions.
4. A Natural Resource Inventory should be made.
5. A Bird Study is important.
6. Grant money should be applied for by experts in grant preparation.
Discussion on this item resulted in action that will be taken by the Planning Director.
Mark recommended that this be an item on the next Commission meeting agenda.

E. 2010 Meeting Schedule

Two Meeting Schedules were discussed; one with Meetings every month and every other month. It was agreed that we should continue having Meetings every month considering the work that needs to be done as soon as possible. Also, it was agreed that it was important to have the Planning Director attend every meeting considering how important his involvement is in what the Commission does, and that the Meetings start at 6:00 P.M. to accommodate the Director's obligations. These Schedules are attached to the Minutes.

VI. Chairman's Report

The Chairman conveyed the following information:

1. He and the Planning Director determined that 3D maps of land can be prepared and used as valuable communication tools.

2. We should get the public involved in the establishment and maintenance of foot paths.
3. We are exploring the idea of using the Town owned land surrounding the Transfer Station for foot paths and a dog park.
4. He emphasized the importance of having experts involved in the future to advise us on how to do things beyond our knowledge base.
5. He enumerated our accomplishments, such as: Approval of the Open Space Plan, preparation and submittal to the Board of Selectman the Right To Farm Ordinance, preparation and submittal to the Board of Selectman the ordinance for an Agricultural Commission, sponsorship of a Farm Summit, the Commission exhibit on Main Street for the Celebrate East Lyme Day, attendance at Workshops, Seminars and Symposiums.

VII. Election of Officers

Election was held for Chairman and Secretary as follows:

Acting Ex-Officio Selectman Rose Ann Hardy presided over the process.

Nominations were accepted for Chairman of the East Lyme Commission for the Conservation of Natural Resources.

Marvin Schutt nominated Arthur Carlson, Mark Christensen seconded the nomination.

Marvin Schutt and Mark Christensen spoke on Arthur Carlson's behalf.

Rose Ann Hardy asked if there were any other nominations.

Ruth Reluga nominated Thomas Kalal for Chairman of the East Lyme Commission for the Conservation of Natural Resources. There was no second of the nomination.

Rose Ann Hardy asked if there were any more nominations and there were none.

Arthur Carlson was elected Chairman by voice vote (4 – 1 – 0).

Nominations were accepted for Secretary of the East Lyme Commission for the Conservation of Natural Resources.

Arthur Carlson nominated Marvin Schutt for Secretary for the East Lyme Commission for the Conservation of Natural Resources. Thomas Kalal seconded the nomination.

Arthur Carlson and Thomas Kalal spoke on Marvin Schutt's behalf.

Rose Ann Hardy asked if there were more nominations and there were none.

Marvin Schutt was elected Secretary by voice vote (4 – 0 – 1).

Rose Ann Hardy declared the Election over.

VIII. Adjournment

Motion (3) Mark Christensen moved and Thomas Kalal seconded the Motion to adjourn at 8:47 P.M.

IX. Executive Session

Motion (4) Mark Christensen moved and Marvin Schutt seconded the Motion to go into an Executive Session with the Commission Members present and the Planning Director. Note, Thomas Kalal left at 9:15 P.M.

Purpose: To discuss the Procedure for Land Acquisition. No action was taken.

Adjournment

Motion (5) Arthur Carlson moved and Mark Christensen seconded the Motion to adjourn the Executive Session at 9:33 P.M.

Respectfully submitted,

Marvin Schutt, Secretary

Report on Rapid Bioassessment in East Lyme's
Wadeable Streams and Rivers sponsored by the State of Connecticut
Department of Environmental Protection

The Town of East Lyme participated in the State of Connecticut's Rapid Bioassessment in Wadeable Streams and Rivers by Volunteer Monitors(RBV) on September 19, 2009. The project was organized by the Conservation of Natural Resources Commission(CNRC). Mike Beauchene, CT DEP, presented a power point overview and training session at the Niantic Police Station to a group of volunteers which included the generous support of four CNRC members, Mark Christiansen, Tom Kalal, Marvin Schutt and organizer, Ruth Reluga. The other six adult volunteers, Laura DiRoberts, Penny Heller, Dave Higgins, Nancy Kobrin, Patrick Pollard, and Chuck Reluga were recruited on East Lyme Day as a result of the CNRC's booth display on the DEP's Bioassessment project.

Four sites with desired riffles were tested on Cranberry Meadow Brook, Lattimer's Brook, Pattagansett River and Four Mile River(see attached for full description). Mike Beauchene visited each group twice during the process to assist with questions and ensure that the desired collection and selection method was used. He then collected the specimens to take back to the lab and verify identification.

The Bioassessment of wadeable streams that we did, tested the biological water quality based on the types of riffle dwelling benthic macroinvertebrates collected. These macroinvertebrates vary in their ability to tolerate differing degrees of water quality. Some can only exist in very good water while others have adapted to poor water quality. A field guide identifying these macroinvertebrates and their tolerance levels was provided to each group. Group members turned rocks in the designated riffles and collected specimens which they sorted into containers, identified by using the provided key and forwarded via Mike to the DEP. This data was confirmed and screened for water quality to augment monitoring conducted by WPLR (Bureau of Water Protection and Land Reuse.)

It should be remembered that our Connecticut streams and rivers are monitored for chemical, physical and biological health. The biological health, at the sites tested, of Cranberry Meadow Brook and Four Mile River, was excellent. Lattimer's Brook at the site tested was very good, and the Pattagansett River is going to require more testing. I am currently in the process of gathering the data history to see how our results compare to past testing done by RBV. This will show the trend in quality and be useful in providing information to educate our East Lyme residents and town officials. It should also be remembered that we must keep these testing results in perspective and not overstate or misrepresent their value in regard to town aquifers which are in the watershed of all of these tested sites. We tested moving water, not aquifer water which, in the process of seeping to the depths of the aquifer, picks up new defining characteristics and loses some surface characteristics.

"There is no direct connection between the assessment of the biological integrity of the surface water, what we did, and anything about an aquifer below. Ground water needs to be evaluated via a well. It is true that surface water and groundwater are related to each other through the general water cycle, just the same as rain and snow are related to surface water. Each are very different and can have an influence on each other. Leaks of oil, gas, other chemicals, fertilizers, etc. onto the ground in a sensitive aquifer area could make their way into the groundwater and cause contamination. However, the RBV method would (most probably) not identify this type of scenario. The RBV method looks to see if the water in the stream is good for a bug not if it would be good for people to drink." (Mike Beauchene, CT DEP)

On the other hand, these tests can be valuable to our planning and zoning commissions when considering what development can be tolerated near these streams and rivers while still maintaining their health.

Any community education program aimed at bettering and maintaining the health of our East Lyme streams, rivers, bay and sound, should be coordinated with or expand on existing programs of organizations and trusts with common goals so that efforts will not be duplicated or funds wasted.

Ruth Reluga

Conservation of Natural Resources Commission

October 15, 2009

Testing Sites
EL Bioassessment in wadeable streams

1. **Pattagansett River** at 6 Brook Street (permission given by owner of property) .

Take Rt. 156 West (Main St., Niantic) to traffic light;

Turn right onto E. Pattagansett Rd.

Brook street is the first left;

#6 is on your left where the river passes under the road. There is an easy open testing area with several riffles right there. Park on the grass area beside the stone drive.

2. **Lattimer's Brook** behind St. Mathias Church

From Main Street Niantic, take Pennsylvania Avenue, Rt. 161, to St. Mathias Church. It is just shy of 3 miles beyond Flanders four corners.

Drive all the way back behind the white parish house as far as you can go.

There is easy parking there used by fishermen. You will find good riffles and access upstream from the parking.

3. **Cranberry Meadow Brook** at Aces High RV Park (opposite Walnut Hill Rd. and just before St. Mathias Church)

From Main Street Niantic, take Pennsylvania Avenue, Rt. 161, to Aces High RV Park. It is about 2.7 miles from Flanders. Park off the road just north of entrance sign (there is room there in front of the large rocks).

There is easy testing by the riffles on the east side of the road. You can also test on the west side but be careful. The eroded bank is unstable. It is also a very busy road.

4. **Four Mile River** at Spring Rock Road

Take Rt. 156 West (Main St., Niantic) past Rocky Neck to Four Mile River Road (right off 156);

Take right onto Green Valley Lakes Rd. (first right after going over 95)

Follow to end and turn left onto Spring Rock Rd.

Spring Rock Rd eventually bears left and crosses Four Mile River. Quiet Rd. Park at Bridge.

Testing site is down stream side of bridge. Enter left side (east) of bridge over guard rail (about 18' from cement). Work your way down to sandy stretch and wide riffle.

Bioassessment results, 9-19-09

From field data sheets:

Numbers 1-8, are the most desirable. Numbers 9-14, are moderately desirable, and numbers 15a-15g are the least desirable. The others are identified by name.

Data Interpretation: number of types of the most desirable: 5 or more = exceptional; 3 to 4 = excellent; 1 to 3 = very good; 0 = more info needed to assess

Email from Mike Beauchene received 9-30-09:

From: "Beauchene, Mike" <Mike.Beauchene@ct.gov>
Results of September 19, 2009 testing

Pattagansett river at brook street had

#9, 11, 12, 15A (over all very sparse sample and I think there was probably other things at the site that were either missed or not put in the container).

Fourmile River had

5a, 8a, 8b, 9, 11, 13b, 14, 15a, 15e, crane fly, riffle beetles

Cranberry meadow had

4, 5a, 6a, 7, 9, 10, 11, 12, 13b, 14, 15a, 15d, 15e, riffle beetles, water snipe fly

Latimer brook had

5a, 6a, 9, 10, 11, 12, 13b, 14, small minnow mayflies

In summary cranberry meadow was best community, latimer and fourmile very similar as a close second, and pattagansett was distant 3rd.

Mike

The following is a further summary prepared by Mike Beauchene, CT DEP, of our findings in the context of available historical data. It was excerpted in total from an email to Ruth Reluga, dated 12-7-2009:

Fourmile River: CT DEP water bureau has not sampled the Fourmile River for macroinvertebrates. I did sample the fish community this past summer. Fish community data does not relate to water quality as well as the macroinvertebrates. The fish community at Route 95 was typical of a warm water fish community with representation from species that prefer ponds. It had Pumpkinseed sunfish, largemouth bass, American eel, tessellated darter, and white sucker. It is not surprising since much of the Fourmile river is low gradient with slow moving water. There are also many ponds scattered throughout which have a greater influence on what fish are present more so than water quality.

The results of your RBV had good representation of pollution sensitive organisms. My conclusion would be the water quality is in good shape.

Cranberry Meadow Brook: CT DEP water bureau has not sample Cranberry Meadow Brook for either macroinvertebrates or fish. The same site was sampled back on 6/24/1993 by CT DEP inland fisheries stream survey project (I was working for this project at the time). The macroinvertebrates in 1993 are consistent with what your RBV data shows. Very good water quality then and now. Not much change. Fish community data collected at the same time shows a typical small cold water stream community for CT. Good numbers of brook trout, black nose dace, brown trout, tessellated darter, white sucker, and American eel.

This is a stream that should be protected/preserved as much as possible as they are fairly rare along the Route 95 corridor.

Patagansett River: This is a difficult one because most of the habitat within the Patagansett River is not conducive for our macroinvertebrate methods. CT DEP has sampled the very small riffle area at Brook Street and at Route 1. Both have very limited habitat and do not meet our standard for sampling. That said CT DEP has assessed the Patagansett as not meeting our standards for aquatic life. These assessments were based on best professional judgment.

A major factor in the biological assessment of the Patagansett is the number of ponds along the entire river. It is a very difficult system to assess. Water quality is probably ok, but it is very difficult to determine.

The RBV sample only had a few organisms and I think sampler error may have contributed to the sparse sample more than any other issue. CT DEP will be back focusing on the Southeastern Corner of CT next year and I am sure the Patagansett will be sampled again.

Latimer Brook: Has been sampled by CT DEP water 2 times, once just upstream of the RBV site at Chapman Drive and the other a bit further upstream off

Robin drive. It has also been sampled by the CT DEP Inland fisheries stream survey project at the same location as your RBV site.

The 3 samples of the macroinvertebrate data indicate water quality meets our standards but not by a lot. Increased development in the upper watershed may result in enough of a decrease in the community so it would not meet our water quality standards. Again we will be sampling Latimer brook this upcoming year.

Latimer has received a lot of attention from CT DEP Anadromous fisheries as it has a Sea-run Brown trout population. The fish ladder just upstream of Route 95 also allows herring and alewife to migrate upstream.

The United States Geologic Survey is conducting a multi-year study on Latimer brook and it should provide a lot of good information.

Mike

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Operating ATVs on Transmission Rights-of-Way



Connecticut
Light & Power



Western Massachusetts
Electric

The Northeast Utilities System

Applicable state law generally provides that no person may operate a snowmobile or All-Terrain Vehicles (collectively known as ATVs), on private property for recreational purposes without, in many cases, the written permission of the property owner. The statutes provide for varying penalties for violations.

Northeast Utilities, through its operating companies, Connecticut Light & Power (CL&P) and Western Massachusetts Electric Company (WMECO), manage more than 1,700 miles of transmission rights-of-way throughout Connecticut and Massachusetts. The overwhelming majority of these rights-of-way are established through easement rights purchased from owners of the underlying property. Where the Company owns easement rights, the primary property is still owned by private property owners, whose rights to use the property crossed by the right-of-way are subject to the Company's easement rights.

Under applicable law, a person seeking to operate an ATV along a transmission right-of-way for recreational purposes would have to obtain permission from the owners of each property on which he/she intends to operate the ATV, as well as from the Company as the easement owner. The Company's policy is not to grant such permission.

Info only

In limited locations, the Company owns a "fee" interest (i.e., the entire interest, not just an easement) in parcels crossed by its overhead transmission lines. The Company's policy of not granting permission to recreational ATV users also applies to these limited portions of the Company's rights-of-way where it is the "fee" owner.

The Company's easement rights generally include the right to maintain the affected property, including the right to access the property in a reasonable manner. In certain locations, the Company operates ATVs along its transmission rights-of-way in order to ensure emergency access and fulfill its inspection, maintenance and repair obligations. This use of ATVs for these purposes is permitted pursuant to the Company's access rights and allows the Company to fulfill its safety and public service obligations.

In some locations, the Company erects gates to control access, particularly where the affected locations are readily accessible to the public.

For example, where the Company's transmission rights-of-way cross public roads, the Company erects gates where it obtains permission to do so from the owner of the underlying property. The gates are typically secured by dual locks, one of which is controlled by the Company and the other by the owner of the primary property, or combination locks.

FOR MORE INFORMATION

www.NUrightsofway.com or www.transmission-nu.com

David Coleman
colemdl@nu.com
860.665.3095

Northeast Utilities, P.O. Box 270, Hartford, CT 06141-0270

Managing Access to Transmission Rights-of-Way



Northeast
Utilities System®

Info only

Northeast Utilities (NU), through its operating companies, manages nearly 1,900 miles of transmission line rights-of-way in Connecticut, Massachusetts and New Hampshire. In the management of these rights-of-way, NU's priorities are public safety and maintaining the integrity of transmission system property and equipment, while respecting the rights of private property owners who have utility easements on their property. To support this effort, NU will install entry barriers as requested by property owners in targeted access road locations to help deter unauthorized vehicle access to the utility rights-of-way.

The majority of the rights-of-way used for the NU electric transmission system were established through the purchase of easement rights by an NU operating company from owners of the underlying property. While NU has rights to operate and maintain the electric transmission system through these easements, the underlying property is still owned by private parties. Their rights to use the property continue, subject to NU's easement rights.

Where transmission rights-of-way cross public roads and private property and are readily accessible to the public, NU's operating companies, The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), and Public Service of New Hampshire (PSNH), will work with property owners to determine if entry barriers will help deter unauthorized access. Where appropriate, CL&P/WMECO/PSNH will offer to purchase and install entry barriers to help deter unauthorized vehicle access. Typically, the entry barrier is a gate.

Access gates located on private property are usually secured by dual locks, one of which is controlled by the utility company and the other by the owner of the property. Alternatively, a single company-issued combination lock may be used.

During periods of transmission line construction, NU or an authorized NU contractor may require an opening in an existing fence to gain access to the construction area. With the owner's permission, the company will install a gate in that opening to prevent unauthorized entry and, if needed, restrict the exit of livestock.

NORTHEAST UTILITIES WILL INSTALL ENTRY BARRIERS AS REQUESTED BY PROPERTY OWNERS IN TARGETED ACCESS ROAD LOCATIONS.

An agreement for the installation of the access gate will be provided to private property owners who request to have a gate installed. Gates will be permanently installed unless the property owner requests that the gate be removed after construction. The agreement will outline the ownership, company and landowner access, and maintenance of the gate. For gates being removed, the company will restore the area to a condition substantially the same as that which existed prior to construction, as long as each party is allowed to maintain authorized access.

FOR MORE INFORMATION

www.NUrightsofway.com or www.transmission-nu.com

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Transmission Vegetation Management
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