

STAFF REPORT

JUNE 15, 2023 MEETING

To: **Conservation Commission**/Inland Wetlands and Watercourses Agency

Date: June 8, 2023

Re: **Summary for Show Cause Hearing: 150 Chatham Hill Road**

At the May 25, 2023 meeting the Commission requested that the violations discussed at the Show Cause Hearing be summarized for the Commission's consideration at the June 15, 2023 meeting.

The owner's environmental specialist had submitted a map (dated May 19, 2023) locating and identifying violations within the conservation easement and was shown at the May 25, 2023 meeting. The map was labeled as #14 in the Timeline of the Conservation Easement Summary provided for the May 25, 2023 meeting and a digital copy was emailed to Commission members on June 5, 2023.

To summarize the history of the conservation easement at 150 Chatham Hill Road: In 1996 the Belle Vista subdivision was approved, creating the Chatham Hill Road subdivision. The approval required the creation of an approximate 22,400 square foot conservation easement area on lot #13. The conservation easement agreement was filed on the land records. In 1998 the Commission allowed this easement to be abolished and a new conservation easement area to be created. The owners of lot #13 wanted to maintain the area as lawn and offered the easement at 150 Chatham Hill Road instead. It was believed at the time that Chatham Hill Road would extend through to Belltown Road, making this easement in the back yards of the future lots. The subdivision was never built and the majority of the acreage became 150 Chatham Hill Road.

The Commission traded approximately 22, 400 square feet of conservation easement for approximately 27, 857 square feet of the current conservation easement.

The violations as noted in the May 25, 2023 map:

1. Encroachment of the stone drive.
The driveway is shown as access to a future barn. The accessway is gravel and testimony from the owner's professional was that this road would be easy to relocate, without much site disturbance.
2. Stone wall.
The Commission discussed the previous stone wall and the 2021 statement from the owner's professionals that the existing wall was to be rebuilt. The current wall is not a rubble wall, and there were questions whether stone had been imported to create the wall.
3. Apple trees.
The conservation easement identifies that no planting is permitted within the easement, however in the 1998 approval to create this conservation easement it was stated that

seedlings would be planted in this area. The easement does not specify what type of tree and shrub seedlings were required.

4. Irrigation valve.

Section II of the conservation easement agreement states that the construction of utilities are permitted provided the need and siting is approved by the Commission.

5. Electrical conduit.

Section II of the conservation easement agreement states that the construction of utilities are permitted provided the need and siting is approved by the Commission.

6. Drainage outlet and stone pad.

There was discussion that the drain outlet and stone pad had existing when the easement was created, and observation was that the drain pipe and stone pad appears to have been refreshed recently.

The current conservation easement borders off site conservation easements (to the northeast).



The Commission may be presented with options to expand upon the existing conservation easement, with connections to the east, which could include the small pond area. Additionally, there may be potential to discuss the expansion of the 2021 conservation easement area, which contains wetland soils. The area between the farm pond and the north property boundary is comprised mainly of wetland soils and a watercourse, covering approximately 43,407 square feet.