

**TOWN OF COLUMBIA**  
**SPECIAL TOWN MEETING MINUTES**  
**Tuesday, July 16, 2019 – 7:00 pm**  
**Adella G. Urban Administrative Offices Conference Room**  
**323 Route 87, Columbia, CT**

A Special Town Meeting of the duly electors and citizens qualified to vote in the Town Meeting of the Town of Columbia, Connecticut was held in the Adella G. Urban Administrative Offices Conference Room on Tuesday, July 16, 2019 at 6:45 pm.

**Present:** Deputy Selectman, Robert Hellstrom; Selectman, Jeffrey Viens, Selectman; William O'Brien, Selectman, Lisa Napolitano; Town Administrator, Mark B. Walter; Finance Director, Beverly Ciurylo.

**Moderator:** Mark Vining

**Clerk:** Jennifer C. LaVoie

**Citizens:** Approximately 34 others were present including the Selectmen.

The meeting was called to order by R. Hellstrom at 7:00 pm. The meeting was then turned over to the Moderator who read the legal advertisement from the Chronicle which included the following CLAUSE:

**CLAUSE 1:** To determine whether the Town of Columbia shall sell a strip of undeveloped land at the cul-de-sac end of Tunxis Drive for \$6,000 pursuant to an agreement with proposed buyers dated August 18, 2019 and posted in full on the Town's website and at the Town Clerk's Office for the requisite notice period prior to the meeting.

The Moderator asked if there was a motion. R. Hellstrom MOVED to determine whether the Town of Columbia shall sell a strip of undeveloped land at the cul-de-sac end of Tunxis Drive for \$6,000 pursuant to an agreement with proposed buyers dated August 18, 2019 and posted in full on the Town's website and at the Town Clerk's Office for the requisite notice period prior to the meeting.. J. Viens SECONDED the motion.

The Moderator gave the floor to the Deputy Selectman, R. Hellstrom for any comments. R. Hellstrom yielded to the Town Administrator. M. Walter explained that Glenn Nicholes came to the town to ask to purchase the land to access his property. M. Walter stated that this request for purchase and sale has gone through Planning and Zoning and has been approved to allow the approximately 50' by 205' piece of property to continue the availability as a potential road access, and to provide driveway access for Glen Nicholes property. M. Walter explained that the use of the property is residential or agricultural. He stated Mr. Nicholes will be using the property for agricultural use.

The Moderator opened the floor to the citizens for discussion.

Nobbi Blain, 9 Wickford Rd. asked to hear the letter from Mr. Ramm and then he asked to have the opportunity to ask follow-up questions. M. Walter read the letter from David Ramm, Tunxis Dr. Lot 9.

*"I appreciate the open communication and healthy back and forth regarding the proposed land sale described in the attached notice.*

*I object to this sale and encourage the Town to postpone any action until the matter can be more fully vetted, discussed and properly resolved.*

*I was never notified by the Town that the property was up for sale even though I am an abutting land owner. My address (in Houston) is properly recorded on the records of the abutting property – indeed I recently received my property tax bill at that address. The impact of this sale clearly demanded a formal notice, not a courtesy notice.*

*I have no desire at all to impede the agricultural use of the property by the Nicholes or harm their interest in any way; I welcome their proposed productive use of the land they purchased.*

*But I think the process and rationale for this sale are flawed and harmful to my own interests.*

*When I purchased my property, I was well aware of the abutting remainder piece of Town property that was retained for possible expansion of the existing subdivision or creation of a new one. I was afforded rights via my purchase to utilize that property as a potential best driveway path to enter my property. If the subdivision never happened, then I had (alone) use of the land, ability to put in and maintain a driveway, etc. If the subdivision went forward, then I would have the benefit of a Town built and maintained road, replacing that part of my driveway.*

*Now the Town seeks to sell the property to a third party:*

*a) Without proper notification to me as an abutting landowner (and therefore a potentially interested buyer);*

*b) Creating a condition where my improved driveway will be subject to use by others with no restriction or covenant to maintain or repair;*

*c) Creating a newly stated right, potentially harmful to my interests via winter blockage, whereby the Town can push snow onto the property;*

*d) Creating a contractual provision where future changes to land use are governed solely by the Parties (new land owner, Town) without mandate to get my agreement despite my existing rights on the property (I am more than simply an abutting land owner).*

*My view is that the above collectively diminish the value of my property.*

*The feedback that says an abutting landowner can't be the buyer because that abutting landowner can't fulfill a subdivision requirement to connect to an existing street is nonsensical. First, the Town could easily rescind the subdivision approval: the Dilaj plan to extend the subdivision was fully contingent on using the property that the Nicholes now own (and intend to use for agricultural purposes): there will be no subdivision. Second, and more pointedly, if connection to Route 87 was possible for a subdivision, why do the Nicholes need access through this Town owned property? Why don't they simply access from their frontage on Route 87? My understanding is that there is a wetlands connectivity problem to Route 87 – if that's the case than there is no subdivision possibility without hypothecating a wetlands approval/variance (I could hypothecate a connectivity solution from my property). By determining that a subdivision potential "must" be maintained, the Town has narrowed the buyer potential and, in my opinion, and is carrying out a course that will harm the value of my property.*

*A better solution in my view is for the Town to eliminate the subdivision potential on record as infeasible under current conditions. I would be a willing buyer of the property as an abutting landowner with existing rights/most impacted and would cooperatively work out a ROW access with the Nicholes limited to the intended agricultural purpose.*

*I respectfully request that this action be tabled until a full discussion, exploring other options to [a) take the property off the Town books b) provide the Nicholes with access for agricultural purposes and c) protect the value of my property} can be considered and acted on."*

N. Blain stated he had the same concerns as Mr. Ramm. He stated that the sale would diminish the values of the properties. He asked why the one offer was considered and why did it not go out to bid. He stated he was concerned about the town relinquishing control and also the value of the sale. He was concerned about the Town selling the property without conditions. He also stated that he is concerned about safety issues with the logging trucks coming through the neighborhood.

G. Nicholes, 274 East Rte 87. stated that he was the proposed buyer and addressed Mr. Blain's concerns. He stated that he has been working with a reputable forester to put together a plan for thinning of the Ash trees on his property and the primary objective is to get the Ash and other trees cut on his property. He stated he will not be clear cutting and not planning on putting in a subdivision. He added that he owns prime farmland on the other side of the brook and would like to reclaim that and to go over the brook is too much of a challenge.

Bob McGregor, 2 Chatham Lane expressed his concern about safety and noise issue, as well as added dirt and debris on the road from the logging trucks. He stated that the neighbors should have been invited to the Planning and Zoning Meeting.

Cristan Filippi, 2 Tunxis Dr. asked if the sale is subject to written conditions that the property would never be developed.

R. Nassiff, Planning and Zoning Chairman answered that the potential to develop though legal is extremely limited if at all and that it is very unlikely under our current regulations that any type of real subdivision or road would happen. He stated that he could not make a guarantee, but that there are too many barriers to overcome to put in a subdivision.

Ann Dunnack, 103 Lake Rd. stated that there is a way to close it to development if a conservation restriction is placed upon the property, then no development can take place. She added that a conservation restriction could be placed in perpetuity and the rights would be held by the town or a land trust.

C. Filippi asked it is possible to make the sale conditional.

R. Nassiff explained that there is potential in the future for a thru-road. He said the land came to title expressly to encourage future development.

C. Filippi asked if it is possible to have a sealed bid or open the sale to other entities.

The Moderator could not answer the question and directed the question to M. Walter. M. Walter explained that tonight's meeting is either a yes or no vote. To explore other options, he explained, you would have to vote no to put it on hold.

Keith Domagala, 2 Tunxis Dr. asked how the process worked and how does this get notified.

M. Walter stated that Mr. Nicholes inquired on how to access his farm for agriculture use. Previous sale of town land purchased by Walt Tabor set the value and process we followed. BOS reviewed and approved and sent this to a Town Meeting. A curtesy notice was mailed to resident of Wickford and Tunix Rd

K. Domagala stated he was concerned about heavy equipment damaging the roads, heavy construction traffic and safety concerns.

K. Domagala asked about the value of the property. M. Walter responded that the value was set at \$6,000 based on a prior appraisal.

Toni Franco, 6 Tunsix Dr. asked what the expectation on the time period for logging the property will be. He asked if the farming equipment can't get across the brook does that mean farming equipment will need access through Tunxis Dr.

G. Nicholes answered the that the logging operation is a single man operation. His best estimate would be approximately 8 weeks. As for future operation, he said he would not have large farming operation or equipment.

Richard Wright, 1 Tunxis Dr. asked where the town will store snow on the road. M. Walter explained that the Town will not be storing snow there. The Town has the right to push snow from the road onto the sides of this access.

Kathleen Hamilton, 5 Tunxis Dr. is concerned about the cars parking on the gravel road and that it would be a safety concern and asked what type of assurance there would be that the road would be patrolled by the police.

G. Nicholes clarified that there are no plans to put in a gravel road. There will only be a gravel pad.

Richard Nassiff, 11 Webster Lane spoke as an individual, not as the Chairmen of the Planning & Zoning Committee. He said that the zoning regulations are that Columbia is a residential and agricultural community. He said that the Nicholes intent is to be good stewards of the land and they love the land and love this town and wish to use their property to pursue farming and agricultural use.

Mike Hamilton, 5 Tunxis Dr. asked if Mr. Nichole has to own the piece of property to access his property and could the town give him a right-of-way. M. Walter explained that a precedence was established in a similar situation as the sale of the road stub at the end of Roberts Drive to Walt Tabor.

R. Hellstrom, 44 Doubleday Rd., said that G. Nicholes came to the town and offered to purchase the land.

N. Blain stated that he respects Mr. Nassiff's opinion but that the town should begin to think about options for conditions or covenant's for development of the property and validate the intent in writing. He added that the priority is to protect property value of the residents.

W. O'Brien, 164 Pine St. asked to call the question. J. Viens **SECONDED** the MOTION.

The Moderator called a Voice Vote. The voice vote passed, and the discussion ended. The Moderator re-read the MOTION into the record and called for a vote on Clause 1.

The Moderator stated that the voice vote was to close and asked for a show of hands.

An audience member asked to clarify what they are voting yes for. The Moderator stated that in voting Yes you are in favor of the motion as presented the town sell the property as described and the price.

Another question was asked that if we vote no, can we revisit this later. The Moderator answered yes.

The Moderator called for a vote of hands.

In favor of the motion:13

Opposed of the motion: 17

Motion is defeated for tonight's meeting.

The Moderator called the Town Meeting ADJOURNED at 8:08 PM

Respectfully submitted by Jennifer C. LaVoie