

24 August 2015

Good evening. My name is Anthony Kotula and I live at 135 Maple Road.

Today's Packet contains my letter to the Council requesting they purchase Lot 17 on Maple Road as Open Space.

Presently this 14.5 acre Lot has about 12 acres designated as Conservation Easement. That means the Town wishes to preserve the vernal pools and wetlands of the lot but did not wish to pay for the land they want to protect. They did approve a two acre building lot on that parcel. Thus a home owner would pay taxes on 14.5 acres but be allowed to utilize only two acres. That concept, though approved by the state, impacts negatively on the home owner's FREEDOM, and should not be allowed to stand.

The Council granted a waiver to allow the building lot to be closer to the wetlands than the usual 150 feet. Thus, if the septic tank, leach field, and reserve leach field fail, would the Town be liable? There was some concern by the Planning and Zoning Commission that the Town might be liable.

If the septic system failed would the well which is expected to provide potable water become contaminated? The Town Council is charged with providing oversight to ensure the safety of potable water. Have they?

The DEP of that decade publicized their concern saying "While critics have assailed current zoning densities in unsewered areas as overly restrictive, the Department disagrees. In the main we believe the current restrictions in some of these areas is not as stringent as it should be."

During my 38 years with the United States Department of Agriculture, I have published many research articles that resulted in changes in USDA Food Safety Regulations and the Food and Drug Administration approvals, concerning the control of pathogenic and spoilage microorganisms on meat, poultry, and water. The DEP was correct in their assessment that zoning restrictions in some areas were not as stringent as they should have been.

At the Public Hearing of the Planning and Zoning Commission on 3 September 2002, PZC questioned "Could the Town be required to provide (external) tanks and 90,000 gallons of potable water per year to each house impacted negatively, and to continue this service in perpetuity?" If implemented, that makes the present purchase price of Lot 17 very reasonable.

When you drive down the roads of our Town how many houses do you see that have been built that close to wetlands? Probably not too many, and for good reason.

The trees of Lot 17 are part of Dunham Forest. When you access the minutes of the Open Space Conservation Committee of years ago, you will find they recommended the Town purchase Lot 17. That is still excellent advice.

The Town has a separate fund for purchasing land for Open Space. Thus, the Council will not be required to raise taxes for this purchase.

Members of the Town Council it is now up to you to act, wisely.

**Anthony Kotula, Ph.D.
135 Maple Road
Mansfield, CT 06268**