Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the meeting of the Board of Aldermen to order at 7:30 p.m., following the Special Joint Meeting with the Board of Education and Shelton Police Department regarding the School Traffic Survey.

Roll Call

Alderman John F. Anglace, Jr., President - present
Alderman John “Jack” Finn - present
Alderman Stanley Kudej – present
Alderman Joseph Lanzi - absent
Alderman Kenneth Olin - absent
Alderman Christopher Panek - present
Alderman John P. Papa – present
Alderman Randy York - present

There was a quorum of 6 present, 2 absent.

Tree Clearing Ordinance

Tom Harbinson, 15 Soundcrest Drive
Chairman, Shelton Conservation Commission

Good evening. First thing, I’ll introduce the members of the Conservation Commission that are here tonight:

Jim Tate
Ed McCreery
Hank Lauriat
Theresa Gallagher, Conservation Agent
Bill Dyer, Vice-Chair

Back over a year ago, the Conservation Commission became concerned with developments where applications for subdivision were applied for that were being denuded or moonscaped of their vegetation, and consequently, the properties with soil erosion and such were adversely affecting the environment.

We started talking about this earlier than January of last year, pretty much every meeting last year we had a little bit of discussion on it, and we brought it to a point where we had some draft ordinance concept and we forwarded it to counsel at one point and on to the Aldermen here to file the process of ordinance adoption. That’s where we are today.

I want to give the microphone to Ed McCreery to explain a little bit about how we came up with some of the ideas that other communities had while addressing this issue.
Ed McCreery, 14 Arden Lane

I’ll just run through the ordinance and how we came up with the language and how we anticipate that it would work.

Corporation Counsel did give me a call this morning and I discussed with him some of the issues that he raised in his handout today. I’ll try to incorporate some brief comments about that.

Mayor Lauretti asked, was he for or against it?

Mr. McCreery replied, he was neither for nor against – he simply expressed the issues that he raised. That’s the attorney in him. We first started to look around and see what other towns are doing. What we have is not a copy of any particular town’s, but rather a compilation of what we thought was the best and least onerous of what some towns are doing. So we looked at towns like Redding, we looked in Greenwich, only because they seemed to have unlimited budgets to create regulations item for item. We looked to a few towns in Massachusetts, and the one theme that runs throughout the ordinances that other towns adopt is the two concepts of clear cutting and the diameter of the trees. So the general term that most places use are “priority trees.”

We debated in our Commission what should be a priority tree. You’ll see the proposed definition is if it’s at least 13 feet in height and 10 inches in diameter. Some towns get really ridiculous and do it five inches. Some towns do what you might call a monster tree – 15 or even 20 inches in diameter. Obviously that’s something that’s up for consideration whether that’s going to be changed.

The big debate was, what point do you not interfere with someone’s desire to cut down a tree in their backyard, versus, when they need to come in and maybe apply for a permit. The two concepts that we came up with was if you’re going to clear cut, a true clear cut, any parcel greater than .25 acre, so again, if you’re just clearing some strip of trees in your backyard that’s not going to qualify, but if you’re taking a true .25 acre or more and you’re clear cutting it, or you’re removing 10 of the priority trees, and I guess Paragraph P on the third page should probably be amended to say that’s within the acreage. So if you’re removing 10 priority trees in 20 acres, that’s really not a big deal, but if you’re removing 10 priority trees on a quarter acre, that could have a significant impact.

If you’re doing either of those, we propose that you need to apply for a permit to show what you’re trying to accomplish, whether there’s soil erosion control needed, whether you’re going to replace any trees, whether you’re right up against City open space, whether if you’re in a transition zone between an industrial zone and a residential zone, whether you’re ruining the blockage and the screenage that occurs for the rest of the neighbors. Just so that someone could look at it before there is an actual clear cutting that takes place.

Another thing that a lot of other towns run into is where a developer comes in and proposes something, the town doesn’t necessarily like it, so the developer does one of these, “oh yeah? Well watch this.” And he goes and clear cuts his parcel and he says, “how do you like that?” And then he comes back with the application.
So we’re trying to address some of those types of situations as well as some of the very public incidents we’ve had in Shelton over the last year with respect to Far Mill River and Housatonic River. There are other instances going on in town that seem to be quite prevalent as people build higher up on the hills that were previously inaccessible and they desire to increase and improve their view, of the river, let’s say. We’re seeing a lot of trees and conservation easements getting cut back. This ordinance really doesn’t address that. That really has to be addressed by more enforcement of what the town already has a right to do. If there is a conservation easement and someone is stepping into it cutting down trees to improve their view.

So this is really, principally addressed toward the concept of clear cutting or removing large chunks of real large trees.

Very briefly, I talked to the town attorney and one of the issues he raised was, would this be better served if it were done by a zoning ordinance? And I agree with him; about half the towns we looked at do this by way of zoning ordinance and half of the towns do this by way of just a stand alone ordinance the way we’ve drafted here.

One of the reasons we did not do this as a zoning ordinance is that, when I took a look at all of the regulations that would have to be altered so that they were, in essence, enmeshed with one another. It was a Herculean task and someone is going to have to put a lot of time and effort into doing that. But that is an option – you can change it into a zoning type situation, and some towns do that. If you’re coming in for a building permit, or you’re coming in for a special exception permit or site plan approval, you need to also show us, currently, your existing wooded areas, identify the real big trees on it, and identify which ones you’re going to cut and identify your ones that you intend to put a new buffer zone because you’re getting rid of a buffer from the commercial zone.

Shelton touches a little bit upon that, the town attorney incorporated some of the extracts where it says you must submit a landscaping plan and things like that, but it doesn’t go into any detail, you’re not required in Shelton to identify the monster trees, you’re not required to show what trees are close to wetlands, you’re simply required to show the wetlands. So we think that our proposed ordinance goes a little further, but I would agree with the town attorney that some towns do this by way of amendments to the zoning regulation.

Mayor Lauretti asked, why did he suggest doing it through the zoning regulations?

Mr. McCreery replied, again, Tom was very diplomatic, he didn’t say he thought it should be done by the zoning regulations, he said, he was wondering why we were suggesting it as a stand alone ordinance when towns like Waterbury do it as part of their zoning regulations.

Mayor Lauretti asked, couldn’t the Zoning Commission impose any type of oversight with that activity right now?

Mr. McCreery replied, I think the answer is that right now they’re probably not too concerned about the current coverage with trees. I think that it wouldn’t cover the situation right now, if you have a parcel of land and you’re not proposing to subdivide it, it’s just a heavily wooded parcel up on a hill, and you said “I don’t want to run into the hassle of what the commission may require me to do,” and so you hire a
lawn company to go in and clear cut it. And you say, “you know what, now I’ve got a clear slate, now I’ll apply for my subdivision.” So yes, as part of a subdivision application they might be able to impose constrictions on what you might do. Those restrictions they might impose upon you are not clearly spelled out, so if we go back to the drawing board and make it a zoning amendment, we would suggest changes to the zoning regulations to give them clear authority to what they can do – what the zoning commission could do. The one nice thing about making it a zoning thing is, and I’ll agree with Corporation Counsel on this, it gets it out of the Conservation Commission’s hair. We don’t really want to be dealing with this day to day activity, and the Zoning office is better equipped to handle permits and things of that nature. That’s not a foregone conclusion.

Another issue that the town attorney raised was, exactly who is the Natural Resource Officer? We left that kind of up in the air. One logical option is, who is going to issue these permits, one logical option is the Tree Warden. Another person could be the Zoning Enforcement Officer, another person could be the Natural Resource Officer who works for the Conservation Commission. He had a concern about whether, if you were appealing the permit, as drafted it says you could appeal to the Wetlands Commission if it’s within the wetlands setback, or the Conservation Commission, and it’s a legitimate concern – can and should the Conservation Commission be deciding appeals when it’s an advisory panel. I agree with him on that, you might want to change that to some other, if there is an appeal process, to change it to the Zoning Board of Appeals or even the Planning and Zoning Commission.

I don’t think a lot of the other items which are kind of generic that the town attorney submitted are really – it talks about encroachments onto open space and other issues. I don’t think those really change this. This would come other the general police powers of the municipality to adopt. To answer any questions on how this proposed mechanism would work, I’ll turn it back to Tom.

Mayor Lauretti stated, before you sit down, what is the statutory authority of the Tree Warden?

Mr. McCreery replied, actually, that’s a good point. The Tree Warden has the right to order the removal or destruction of any damaged or diseased tree. The Tree Warden would not currently have the authority to go and tell someone, “you can’t cut a tree.” If it’s impairing – a danger to the highways – that is certainly the Tree Warden’s jurisdiction. So we have created a list of exceptions. For example, it’s in the Tree Warden’s authority and the Tree Warden thinks a tree ought to be removed, you know, I don’t care if the Tree Warden says you’ve got to take down 20 priority trees, that’s the Tree Warden’s job. So you’re exempted if you get the Tree Warden’s directive.

Mayor Lauretti stated, his authority only falls on trees on City-owned land.

Mr. McCreery stated, well, let me put on my attorney hat because I’ve been town attorney for some other towns, Mayor Lauretti stated, that’s why I’m asking you.

Mr. McCreery continued, and that issue is not a resolved issue. If a Tree Warden sees, for example, a dangerous tree on private land, and the
Tree Warden tells you to take it down, and the answer I’ve told the Tree Wardens in the town I’ve worked for is, if it’s going to endanger someone’s life, especially if it’s overhanging a roadway, or even if it’s totally on private property and might fall on the roadway, and the property owner won’t do anything about it, life and limb always comes first, take the darned thing down. But the issue of Tree Wardens going on someone’s private property and telling them to take down a tree that’s not endangering anybody, they probably can’t do that. So we have other exceptions.

Mayor Lauretti stated, the Tree Warden also has authority over the utilities.

Mr. McCreery stated, yes, so we have an exception here for, if it’s a utility clearing the right of way this ordinance doesn’t apply. If the City of Shelton is doing anything for City government, they obviously don’t have to get a permit. If it’s a tree farm, you don’t want a permit every time people come and cut down Christmas trees. Things like that. We try to make it somewhat logical. So the ghost of Terry on the commission is still hanging around.

Thank you.

Tom Harbinson, Chairman, Conservation Commission

I think if my memory serves me there was an exemption there for people that have a forestry program on their land too because we do have Public Act 940 or 490 for people who have farm and forest land and have a tax exemption on their property tax, so we want to encourage that.

That gives you a brief overview of why we were concerned about this issue and what we did to try and come up with a solution. We’ve brought it to this point. So if there are any questions.

Alderman Papa stated, it looks like this really puts a crimp on the homeowner that has a quarter acre or more. If I have an acre of land, and I want to clear some trees, you’re telling me I have to get a permit to clear trees to plant my garden or if a tree is too close to my house, I’m going to have to go and get a permit to cut a tree down? I might be denied? I think that’s – I thought we did have some rights as a property owner.

I can see a developer who is going to come in and clear out ‘x’ amount of trees. I think Planning and Zoning when this contractor puts in a proposal to build 20-30 houses, and they want to clear cut – and that means cut everything down in sight – he should go to Planning and Zoning and they should impose some regulations on that individual – on that contractor so he doesn’t just come in and make it a desert. But for a homeowner who wants to clear some trees around his property? I don’t see how you can impose that upon a taxpayer who has that one acre of land.

I was curious too, do most of the people on the Conservation Commission agree with this particular proposal? I just was curious. Is this just a proposal given by one person, or does everybody – are they all in agreement with this particular –

Mr. Harbinson interjected – we all generally agree on it. There are some,
Alderman Papa interjected, with everything on here?

Mr. Harbinson stated, no. There are some components here that we have still some disagreement on. But we need to bring it to the next stage of discussion.

Alderman Papa stated, this is just a rough draft, correct? So you’re looking for input from us to give you some ideas?

Mr. Harbinson stated, you all know your constituents far better than we do, so if you know of concerns in your different areas that can be addressed in a revision of this, certainly that’s the time to bring it to the table.

Alderman Papa stated, also, we should be concerned about the wetland areas – that should be protected, obviously, conservation areas, and any easements for utilities, those have to be addressed.

Mr. Harbinson stated, we had a number of exemption areas.

Alderman Papa stated, the biggest thing, I think, Planning and Zoning, if it’s a contractor that’s going to put in a subdivision, or whatever, Planning and Zoning should definitely have the final say on something like that.

Alderman York stated, can I try to address your question about the individual property owner, and then I’d like to read a letter into the record, if it’s okay. If you read the ordinance, you’ll see that the ordinance really gives the bulk of the power to the Natural Resource Officer to use his judgment. So the ordinance reads that if you’re on a piece of property a quarter acre or more, when I first wrote this, I had it as a half acre. The Conservation Commission when they reviewed it, dropped it to a quarter acre but that is negotiable. If you’re a private property owner and say, for instance, you live up in White Hills and you’ve got a quarter acre or more, and you’ve got a very wooded area that you live in and you’ve got a thousand oak trees in your back yard and you want to cut down 10 of them, this ordinance would have enough flexibility that yes, because you’re cutting or want to cut 10 or more trees, you’d have to go down to City Hall and you’d have to apply for a permit from the Natural Resource Officer. The Natural Resource Officer at that point would ask you what you want to do and why you want to do it. They would be able to take into consideration where you live, the types of trees that you want to cut down, if you’re cutting down 10 of something that there’s a thousand of in the area and the Natural Resource Officer doesn’t believe that you’re really going to affect the tree canopy or the ecological function, and you’re not cutting down a special tree, he probably would just say, give me my 20 bucks, here’s your permit, go cut your trees. No problem.

Alderman Papa stated, yes, but that’s not his decision or her decision to make. I don’t think we should be so restrictive on this.

Alderman York stated, the thing is, before you cut down trees, you want to be able to talk to somebody about what you’re going to do, because, it is something that is needed in this day and age. With all of the development that is going on, everything that is going on environmentally, I think that the consensus that we need to come to as a group of people here is that there is a need to pay attention to who is cutting what in your community. Whether it is on private land or public
land. We already regulate the wetland areas, our municipal trees are pretty much covered by, as the Mayor said, by the Tree Warden or regulations that we already have, but nobody is paying attention to what people are doing on private land. So this is a way to keep an eye on what's going on, not necessarily, obviously the intention is to not go after the single family homeowner who lives,

Alderman Papa interjected, that’s what I’m talking about. I’m talking about an acre of land,

Alderman York interjected, and there's enough flexibility in here to make sure that that doesn’t wind up happening, because it's going to be left up to the Natural Resource Officer to use their own good judgment on that.

Alderman Papa stated, I hope when the Commission reviews this that they look into that. That as a homeowner, that I have to go get a permit to cut down some trees that I want to cut down, and I’m paying taxes on that property. I mean, I still think we do have some rights, and I think that’s a right that would be taken away from me. If I want to, you know, cut down some trees or shrubs or whatever, especially you said, what’s the diameter?

Alderman York stated, it’s in your ordinance, under the definition of a priority tree. Ten inches.

Alderman Anglace stated, it talks about the diameter at breast height. And in another area it talks about the diameter of six inches from the bottom of the tree. So be careful – you’ll get confused.

Mr. Harbinson stated, diameter at breast height which is 54 inches above grade.

Alderman York stated, one thing I wanted to see here happen tonight is for all of us, and believe me, I can pick up on what’s blowing in the wind around here, but if we can all find common ground, tonight, when we leave this room, and decide as a group that this is something that we think is definitely worth pursuing, iron out all the bugs, get everybody’s arguments right out on the table, all the problems that they have, but when we leave here tonight, realize that we’ve got something to start with, we’ve got an ordinance that we can start looking at to give us something to begin working with, and at least make a promise to each other that in earnest we’re going to continue looking at this and refining it and eventually come up with something that we can all support. That is what I’m hoping happens tonight. So in order to facilitate that,

Mayor Lauretti stated, before you read that letter, I’d like to ask John a question.

Alderman York replied, no. I’m going to read my letter.

She continued, in order to facilitate that I engaged the opinion of an expert as to why does a community need a tree ordinance. The letter was addressed to myself, and it says:

Per your request I have reviewed and offered comments on the draft tree preservation ordinance [and this was the one dated June 3, 2006 and that’s the one we all have a copy of because there are a couple of versions floating around]. While I understand that the tree preservation ordinance is a work in progress, my preliminary review would indicate
that the document is in the foundation stage of a preparation that is essential to the maturation of a well-balanced instrument which will allow for the protection, preservation and sustainable management of Shelton’s woodland and forest resources, while assuring that the residential private property owner is not unnecessarily encumbered or burdened by regulatory requirements. The City of Shelton is at a pivotal point in its growth and community development. It is of vital importance that a tree preservation ordinance be completed and implemented if the City is to be successful in retaining the suburban and rural character that has enabled Shelton to become known as a jewel in Fairfield County. I would encourage the further development of the tree preservation ordinance in a shirtsleeve workshop environment which includes participation by the primary natural resource agencies, the Board of Aldermen as well as the public and community organizations. If I may be of further assistance in this matter, please do not hesitate to contact me. I wish you continued success and expediency in this critical endeavor. Cordially, John R. Trautman, Ecological Consultant.

This is why I think we’re all here tonight, because we know it’s an issue that needs to be addressed. And even the experts can look at it and say, we’re on the right road, we need to pursue looking at this. Mr. Trautman is here tonight. He is also available for any questions you might have. For instance, John, why would we care that a private property owner wants to cut down 10 trees on his privately owned land. So you might want to address that question to Mr. Trautman.

John R. Trautman, for the record. Is it mandatory, before I make any statements or respond to any questions by the Board of Aldermen, shall I equip you with an introduction and a statement of my qualifications for the record? I have those prepared to hand out.

What I’ll be distributing to the Board of Aldermen with the president’s discretion are two things. One is going to be a five-page statement of qualifications which is rather detailed and goes into my background, my experience and my expertise. To avoid you the eye fatigue and the time consumed, I’ve also prepared a very brief introduction, and I’ll pass the original to Mr. Anglace. I’ll also supply the other Aldermen with copies. I’m doing this because I think it is important as we’re building a record toward this very, very critical goal that we do have a complete and very thorough record.

I’m going to read into the record, it’s a very short letter that describes my qualifications. It’s addressed to Mr. Anglace, the President of the Board of Aldermen, and it’s referenced as a Summary of Professional Qualifications. Dear Mr. Anglace and Board members, for your convenience I have summarized my professional qualifications as follows: I’m an ecological consultant with over 25 years of experience. My specialization is the ecology and functions of terrestrial wetland and aquatic ecosystems in the assessment and the evaluation of land use activities upon those resources. I hold a masters degree in environmental studies from Fairfield University and a certificate in Environmental Management from the State University of New York at Purchase. In addition, I have completed several post-masters graduate courses in the environmental and biological sciences at Cornell University and the University of Maine. I have held a variety of teaching positions at several universities including Fairfield University, Western Connecticut State University, and the University of Connecticut at Stamford. Courses I have instructed include ecology, botany and animal behavior. I have been involved in ecological research since 1980. My investigations have
focused on the hydrological alteration of wetland resources and the restoration of aquatic ecosystems as well as the subsequent impacts upon species composition, habitat diversity and the ecological and social functions and values. Cordially, John R. Trautman.

Now that we have established the record, in response to the Alderman’s question. I’ve done a very thorough analysis of this preliminary document and traced its chronological development through several versions, trying to pick up on the growth pattern of how it was formulated, why it was formulated. In response to the Alderman’s question, a private property owner, depending on what part of town, may have a substantial sized lot, whether it be a quarter acre, half acre, perhaps it’s an acre. If such a property owner wishes to remove 10 or more trees from the subject property, I think the bulk of this depends on, sure he has private property owner rights. If the property is abundant in one particular species to the point where they are so homogenous and so numerous that it’s, they almost become very routine, regardless of their species or their size. A different scenario would be the same property owner and the same piece of property – he may be desirous of taking down a tree which is a priority tree, it may have unique importance or a different scenario would be, suppose one of the trees he’s selecting happens to be a landmark tree, or what we refer to as a specimen tree or in layman’s terms or field terms as a field botanist or a forester, as a wolf tree. These are very, very large trees – they’re very significant trees. In some context, they may even have historical significance, depending on their location and their species. So without putting a burden on the private property owner, for him to put his proposal or put his ideas before the eyes of the Natural Resource Officer and to institute a dialogue with the Natural Resource Officer so they can get a better feel for which trees he’s selecting, the necessity for those trees to come down, and also probably the methodology those trees are going to be removed from the property. This can all be done without an infringement or an encroachment or somebody usurping those private property owner’s rights. It offers a window of review. Any further questions from any other Aldermen?

Alderman Anglace asked Mr. McCreery to return to the podium. He stated, I went through the ordinance, I have a number of questions. With respect to page one, are you are you not the author of this document?

Mr. McCreery replied, we were drafting the ordinance, the Conservation Commission, when, coincidentally, Alderman York also e-mailed us and said that she thought it was time for an ordinance, and sent us her version.

Alderman Anglace stated, so you are the chief compiler of all data?

Mr. McCreery replied, I am the chief compiler of all that is before you.

Alderman Anglace stated, I will comment, in general, on page one. To me, page one, there is a lot of redundancy. We’re talking about intent, we’re talking about purpose, we’re talking about policy. Perhaps this could be reworked into a much shorter, one paragraph approach.

I think we’ve got to state the obvious. You’re talking about a Natural Resource Officer. You’re talking adding a position. Part time or full time?
Mr. McCreery stated, we would indicate that the town would have to designate someone as that person, and in fact, that’s one of the issues that came up – whether that’s an appropriate term, and that’s actually not Terry’s formal title. What is your title - Conservation Agent. So whoever is the person that would issue the permits – it could be the Tree Warden, it could be the Zoning Enforcement Officer, it could be the Conservation Agent.

Alderman Anglace stated, you do not seem to be talking about consolidating the Conservation Officer’s position with the Natural Resource Officer and make it one position.

Mr. McCreery replied, no. Just disregard the term Natural Resource Officer and substitute it with the term you would prefer to see.

Alderman Anglace asked, is this Natural Resource Officer intended to be a part-time or full-time position?

Mr. McCreery stated, it’s intended to be an existing person, not a new person. So you could change Natural Resource Officer to Zoning Enforcement Officer to Conservation Officer, whatever would be the person who would address this issue.

Alderman Anglace asked, is it intended to be an employee or a consultant?

Mr. McCreery replied, an existing employee of the town.

Alderman Anglace stated, on page 3, Regulated Lot or Commercial Lots. Does this mean that industrial and corporate lots – is that what you’re referring to?

Mr. McCreery replied, yes, this would cover residential and commercial properties.

Alderman Anglace stated, regulated lot would cover residential and commercial.

Mr. McCreery stated, larger than one-quarter acre, yes.

Alderman Anglace asked, why have we identified in that format versus the zoning format R-1 or something like that. Wouldn’t it be better to be consistent?

Mr. McCreery stated, well, the concept of a regulated lot is not the same concept as a building lot. The answer is yes, you could. The concept is at what size – what is the size of parcel that is subject to the regulations. So it’s really referring to a parcel’s size of a quarter acre or more.

Alderman Anglace stated, so it’s more intended as parcel versus zone.

Mr. McCreery stated, exactly. Whereas, for example, if you took this concept, if we went back to the drawing board and made it part of the zoning regulations, you would tie it into the lot size and instead of referring to the lot size, you’d say whenever someone came in for, a building permit, or whenever someone came in for,

Alderman Anglace stated, so it could apply in any zone. Lot size a quarter acre or more applies in any zone.
Mr. McCreery replied, yes.

Alderman Anglace stated, under “O” where it says Root Zone. Could you explain Root Zone? I just can’t seem to make it out.

Mr. McCreery stated, here’s the concept, and this did not originate from us. This is a standard term that the ordinances all use. Not only do they use the diameter of breast height, which is a landscaping, architectural term, it’s a technical measure, so is the root zone. The concept being that you didn’t come into, whether it’s Zoning or the Natural Resource Officer, and say, this is what I want to do. And the Natural Resource Officer says, okay, but just leave these 3 huge chestnuts along the boundary line – they’re 50 inches in diameter, they’re 150 years old, and they create a great tree canopy, and you say, no, you’re not going to make me keep those, and the Natural Resource Officer says yes. And then you end up digging right up to the edge of them, that would kill the tree, so it kind of defeats the whole purpose, so what the towns have come up with is you have a root protection zone around the base of the tree so you don’t do construction activity that kills the tree that was supposed to stay.

Alderman Anglace stated, the example that they give in item “O” says, for example, the critical root zone of a 12-inch dbh, and I think that’s a designated breast height tree has a radius of 12 feet. How do we get from a 12-inch trunk to a 12-foot root zone.

Mr. McCreery stated, if you take water, and drip it on a tree, where the water drops to the ground would be roughly in relationship to a 12-inch diameter breast height tree would be that 12 feet in diameter.

Alderman Anglace stated, okay, so it would be 12 feet in diameter. A radius of 12 feet. So its not intended to be a mechanical formula, it’s intended to be an example to illustrate. That is what confused me.

Mr. Trautman stated, let me draw this comparison between the term you’re seeing as root zone, direct correlation also with the drip line of the tree. I would beg to differ in terms of the previous description in terms of a 12-inch diameter tree having a 12-foot root zone. Typically, depending on the species, the root zone is going to correspond with the drip line of the tree. The drip line of the tree corresponds with the type and the size of the canopy or the crown of the tree. If an 80-foot oak has a crown of 120 feet, the drip line would be 120 feet, you’re root zone could conceivably be 120 feet. There is going to be a corresponding ratio between your root zone corresponding with the drip line of the tree. The drip line of the tree is going to be, if you took a conceptual line that covers the crown or the canopy of the tree and took it vertically toward the ground, that would correspond with your root zone.

Alderman Anglace continued, Item 3. Tree Impact Activity. It says here, any activity upon a regulated lot will or is likely to involve or result in. I don’t particularly like the terminology “or is likely,” because, it either will or it won’t. “Likely” makes it subject to interpretation. I’d rather see it, “will” or “will not.”

Tree Replacement Obligation. This is a mandate set forth by the Natural Resource Officer. Here again, this, to me, why leave it up to the Natural Resource Officer? Is this something that can be set forth – if you do ‘this’ you have to replace it with ‘this many.’ Or, is this something
subject to only judgment by interpretation – if somebody with extreme judgment can make the decision. Because in one case the Natural Resource Officer might say, replace it with 10. And the neighbor next door, you only put five in, that’s good enough. Do you know what I mean? Now you get these variations.

Mr. McCreery stated, this was one of the concerns of the town attorney, whether that provision left too much discretion to the Natural Resource Officer. When we drafted that language we were...

TAPE TWO

...And what are you going to replace it with, one two-inch tall tree? So we could come up with some type of formula to get rid of some of the discretion, but we were hoping that, if you had a good Natural Resource Officer,

Alderman Anglace interjected, let me tell you what I picked up on. The reason I’m questioning it is this. If you go a step further, we don’t agree. You are the Natural Resource Officer and you want me to put in 25 trees to replace it, and I say, I don’t agree – it’s unreasonable. Look at, what is the appeal process? Where do I appeal? Who do I appeal to? I would appeal to you guys.

Mr. McCreery stated, or to, but that’s really no different than zoning right now. If you don’t like what the Zoning Enforcement Officer says, you would appeal to the Zoning Commission. So I’m not sure that is a legitimate concern.

Alderman Anglace stated, I agree, but if we could make it so that we have a set number, then it’s the same for everybody.

Mayor Lauretti stated, to John’s point, there is a difference. As opposed to someone who is in Zoning and has to go to Wetlands for a subdivision application, a for profit operation as opposed to a homeowner, to have to get into a debate about what is his. It costs him money, they have to get attorneys, and hire professionals, just to make their point.

Alderman York stated, the thing that you can’t lose sight of is that whoever this person is has got to have a background in this science, and that they’re not going to be just lay people or zoning people making arbitrary decisions about, ‘I’ll let you plant five trees and I’ll let you plant 10,’ it has to be based on ecological science as far as replacing the ecological function of what you’re going to be losing. There are a whole bunch of things that need to be considered, and that’s why when we talk about hiring somebody for this, we’re not just going to hire anybody. The person has to be highly qualified, they have to know what they’re doing, because we want to keep that flexibility in the ordinance and we don’t want to get too caught up in this ‘an eye for an eye’ type thing because it can get very burdensome and it doesn’t leave room for a judgment call, like what we were talking about before. Cutting down 10 trees in a highly wooded area of thousands of the same type of species is not going to have the same ecological impact as cutting down 10 trees on the south end of town where you’ve got no tree canopy and one of those trees happens to be a landmark tree.

I’m not an expert. I can’t make that kind of decision. But we will be hiring someone who is qualified to look at those things and decide where
these tree replacements need to be put and where they can be eliminated.

Conservation Commission Member Jim Tate asked, Randy, are you commenting on the Conservation Commission’s ordinance or are you commenting on an ordinance – are you reading something into this ordinance that isn’t there – because to me, it’s a little confusing. My understanding, the ordinance at least that I’ve read and had some authorship to, was that we felt that within our Commission and our staff that we have or the City has, that they were amply qualified to make these judgments so that, we had no intention of going to an outside, in our, at least John made the comment, as far as our ordinance is concerned, I don’t think we have any desire, or feel the City needs, to go outside to hire a consultant or to add personnel to the City’s staff for this particular task.

Alderman York stated, then that might be something that I want to get out on the table as being co-author of this ordinance, that’s a very important,

Alderman Anglace interjected, my point is this. You are putting me and every one of my neighbors at an extreme disadvantage when you ask me to sit there and even talk about this business with a Natural Resource Officer of the qualifications that are being tossed about. I have no idea except to say, ‘hey I know what a six-inch tree is,’ I can’t tell you what kind of a tree it is. And then you’re going to come in and tell me - I can’t even discuss this with you. Most of my neighbors are in the same boat. So what you’re doing is you’re putting us in a position where we then have to get somebody like this gentleman over here who is extremely qualified to come in and represent us in discussions with this Natural Resource Officer. And if we fail to agree, look who is going to resolve the difference – the Conservation Commission. You guys don’t hold the same qualifications,

Mr. Tate interjected, I beg to differ with you, John, on that. Within this Conservation Commission I don’t know if you could come up with a more qualified group with a background of ecological background – it would certainly be certified either by the State or any authorities that you’d like to test.

Alderman Anglace asked, then why do we need a Natural Resource Officer?

Mr. Tate asked, why do you? I don’t think we brought that up. I think this was, Randy’s. That’s what my issue is, and I think everybody should understand that. You have a very qualified Commission in front of you, and we have other people who are asking to be on the Commission, as at least Commissioners, then we could duly make some provision for if we need to do that.

Alderman Anglace stated, none of you were screened for your ecological backgrounds.

Mr. Tate asked, why not? Of course we were.

Alderman Anglace stated, if you were, you did it yourself.

Mr. Harbinson stated, we’re getting way off track here.
Mr. McCreery stated, what I’m hearing from you is what a lot of people have said which is that you’re concerned that too much burden is being put on the average Joe homeowner or average Jane homeowner who wants to cut down their trees.

Alderman Anglace stated, it's that simple. Keep it simple so people can understand it and they don’t have to get an attorney to question it.

Tree Permit Application, on page 4. There is a $20 fee. How did you arrive at a $20 fee. Is that going to pay for a Natural Resource Officer?

Mr. McCreery stated, once again, there is no intention of causing the City to hire new personnel. The $20 was a random number and has no basis in the reality – the City would have to ascertain an appropriate amount.

Alderman York stated, we could make it free.

Alderman Anglace asked, did I miss it somehow, but on page 4 it talks about a priority tree. Is that specifically defined?

Mr. McCreery stated, that's a defined term back on page 2 or 3. That's the 10-inch tree. It's paragraph K on page 3.

Alderman Anglace stated, on page 5, 5-B, in reading that, if the Natural Resource Officer determines that there is no suitable location for installing a replacement tree on the applicant’s lot, parcel or tract, and there is no suitable area within the same or adjacent block as the applicant’s lot, parcel or tract, the Natural Resource Officer may determine another location as close to the affected area as possible for tree canopy replacement.

Is there any need for concern about how close to the property line it should be? If somebody comes over and puts a tree right next to my property, and it comes over to my property. Should we keep them back anticipating the build-out – the growth – so it doesn’t come over the other guy’s property?

Mr. McCreery stated, I thought we had a provision in here that it would be 20 feet back from the property line, but I’m not exactly sure.

Alderman Anglace stated, when I was looking at this and I read 5-D, I said, oh, Jim Tate wrote this. This is based on your experience from Constitution Park, to replace any replacement tree that does not survive the second anniversary of its installation. That’s good.

Mr. McCreery stated, when the City requires streetscape trees it’s a requirement that they survive at least a year by the developer. Usually the residual performance bond is kept in place to address that.

Alderman Anglace stated, on page 6 under Enforcement. I don’t know about your copy, but my copy had under subparagraph A, my copy in the left hand margin had a question mark with an arrow, and where that is, the sentence didn’t read right, so I was wondering if there was something that somebody picked up there and new words have to be inserted. It reads, ‘also, any tree impact activity that is not undertaken in strict conformity with the terms and conditions of a tree permit shall be subject to a stop work order for any and all construction activity upon a regulated lot until full compliance with such plan has been achieved, in addition to all other penalties.'
Mr. McCreery stated, obviously my copy does not have the question mark and the arrow. What a lot of towns are doing now is, they have cross enforcement provisions and so if you are violating wetlands, it doesn’t just yank your wetlands permit, it also yanks your building permit. If you’re violating some other ordinance in town, you can’t do something else. So the concept here is, if you were to go ahead and ignore this, clear cut your lot, it not only stops you from the clear cutting but guess what? Now your building permit is temporarily suspended until you address this. It’s the sledgehammer instead of the slap on the wrist.

Alderman Anglace stated, the first word “other” to the left side is redundant and should be stricken.

A general feeling that I had after reading the ordinance, and I read the ordinance this afternoon, so it’s pretty fresh in my mind. I came away with the feeling, gee, as a homeowner, I’m not sure I know when I have to go for a permit. It just didn’t register. I share that with you only because, if it doesn’t register, I’m not going to do it.

Mr. McCreery stated, keeping in mind the concerns that have been expressed for the homeowner that wants to go and cut a few trees, is there any instance a private landowner, could be someone with a single family home that has 10 acres, and if they were to decide to just go clear cut the parcel, would it be the position of some or all of the Board members that that person is not currently applying for a subdivision, and they want to clear cut their land, God bless them. So at least one Board member is shaking their head yes, that it is a private owner and they want to clear cut, so be it. Would your position change if that elderly lady had just sold her home to a developer who bought the house and is going to get ready to subdivide it but he’s not living there.

Alderman Papa stated, if you are going to subdivide and have to go to Planning and Zoning to get a permit to subdivide, that’s different.

Mr. McCreery stated, what if the homeowner cuts it, and then they subdivide?

Alderman Papa stated, well, if he owns the property at that time,

Mr. McCreery stated, he can’t fill in wetlands on his own property,

Alderman Papa stated, if he owns the property, and you’re saying, he clears out ‘x’ amount of acres and he has no intention of subdividing, is that what you’re saying?

Mr. McCreery stated no, I’m saying there is really no way to distinguish between Mrs. M who has lived in her house for 50 years and decides, you know, I’ve never liked those trees back there and clear cuts them, versus, Mrs. M who just sold out to the developer who comes in – the house is still there but that developer isn’t living there. Maybe the answer is that there is no way to distinguish between those two scenarios.

Alderman Anglace stated, I think it would be helpful, for the ordinance, to have a summary in the back just highlighting, to me as a homeowner, when I do and when I don’t have to go for a permit. If that could be done.
Mr. McCreery agreed, stating, yes, some Commonly Asked Questions.

Alderman Anglace stated, the first thing you think about is, how does it affect me? How does it impact me? And if somebody thinks that they have to get a permit to cut one tree, that’s not what the ordinance is saying. I think we’ve got to summarize that so you don’t have to read the whole ordinance to know that it doesn’t adversely impact present residential homeowners, only under these conditions do you have to go for a permit. That might be helpful.

Mr. McCreery stated, there might be one way to address the private homeowner, is increase it to, if you’re going to clear cut more than an acre, that’s separately assessed from the acre that your house is on, or something like that. Is there a consensus whether you would prefer to see this sort of wrapped into the zoning ordinance and have jurisdiction turned over to the Zoning Commission?

Alderman York replied, no.

Alderman Anglace stated, it might have merit, let me tell you why. It would save us from having to hire a separate person.

Mr. McCreery stated, we are not going to do that.

Mr. Harbinson stated, for the last time. We are not recommending hiring another person.

Alderman Anglace stated, it would be in an area where they’re dealing with these issues all the time. The key to this whole thing is, we’ve got people, despite statutory restrictions, have gone and clear-cut down by the river.

Mr. McCreery stated, that is exactly what we’re trying to address.

Alderman Anglace stated, everybody’s got to live according to the same rules and regulations, and if these regulations make sense from a quality of life point of view, that’s what we’ve been pushing right along. Why did we acquire all of this open space? Why are we pushing for this? Why do we spend so much time and money and hire the best open space people we can find?

Alderman York stated, I don’t know if Mr. Trautman would agree with this or not, but I did read ordinances that exempted one acre residential lots, owner occupied. You can put exemptions into the ordinance. If it’s a matter of this thing staying alive and there’s that big concern, I did see several ordinances from other, not in Connecticut, but in other states where they would put an exemption, but it’s got to be an owner-occupied, I saw one acre, owner-occupied residential, exempt. But here again, like John said, you need to get the word out to people – who needs to come in and apply and who doesn’t.

Alderman Anglace stated, the reason that we took the compilation and sort of delayed it and had this kind of a meeting was for the very reason – to start getting the word out. Get the comments. You don’t see here one developer or builder. Hey – they should be here. This is a chance, if somebody’s got something to say. At any rate, our thought was to go through this tonight, kind of share some feedback, take another look at it, redraft if you have to and come back. When we put something together, we should all be on the same page so when we go to public
hearing the public knows that we’re on the same page and we have good reasons for proposing what we’re proposing.

Alderman York stated, John, can I really confuse things? I have another draft where I took this draft and ran it by the ecological consultant and he had some changes to make that I could pass out to everybody that you could look at. I did the changes in red and struck out the other areas. A lot of it really helped us to better define terms – like priority tree – from an ecological point of view, to try to make it more ecologically sound. If we’re going to do this, let’s do it for the right reason.

Alderman Papa asked, by any chance, did you discuss that with the Conservation Commission?

Alderman York replied, no.

Alderman Papa stated, you just did it yourself.

Alderman York stated, this is brand-new.

Alderman Papa stated, I’m just saying that this conversation is supposed to be with the Board of Aldermen and the Conservation Commission. I know you are adding this in, but probably in all due respect you should discuss it with the Commission.

Alderman York stated, okay so I’ll pass this out, we’ll take a look at it, we’ve been sharing our versions back and forth for months.

Alderman Papa stated, it’s courtesy that’s all.

Mr. McCreery stated, the most difficult issue is going to be, and I think the Commission ought to go back to the drawing board, but before we do, I want to talk to the town attorney and see whether he feels it would be better as part of a zoning ordinance or as part of a stand-alone ordinance. We’ll take the cues from there. We’ll work on it to try and keep it less onerous to the private homeowner and maybe have better definitions of some less discretion.

Alderman Anglace stated, that summarized it fine. And let me apologize to the Commission – if I said anything to offend you, I’m sorry.

**Presentation of Conservation Commission’s Annual Report**

Tom Harbinson handed out the following letter to the Aldermen.

To: Board of Aldermen  
Re: Conservation Commission Annual Report Calendar Year 2006  
    Open Space Trust Account

January 22, 2007

The Open Space Trust Ordinance (Ordinance #796 as amended on 2006/Sep/14), paragraph 2, requires:

".....The Conservation Commission shall annually prepare a fiscal report on the Open Space Trust Account for the calendar year to be submitted to the Board of Aldermen no later than March 1."

To better communicate what has occurred over the course of 2006 regarding Conservation related concerns, we additionally report the following:

Shelton continued respecting its Open Space Plan for decisions:
- Requests to sell City Open Space were given a negative referral on Frank Drive, "Who-land", and Buddington Road (request to not complete balance of purchase agreement on Open Space acquisition).
- Open Space was purchases were completed in the Housatonic Greenway (Above the Overlook, Aside the Overlook), Shelton Lakes Greenway (Pagliaro).
- Subdivisions regulations rendered Shelton both Open Space land and fees in lieu of land which were deposited into the Open Space Trust Account.

Open Space lands were improved for public enjoyment with:
- Several projects by Eagle Scouts, Cub Scouts, Daisy Troops, Girl Scouts, church service group and general trail volunteer projects.
  - Three Recreation Path bridges in the Huntington Woods area.
  - Lane Street Boardwalk (110ft) over swamp on Land Trust property as part of Recreation Path location.
  - Improved boardwalk on Oak Valley Trail, woodchips on eroded areas of Oak Valley Trail, garbage cleanup at Turkey Trot Trail, and Far Mill River.
  - Clearing and preparation of Recreation Path in the Pine Lake region toward Meadow Street allowing connection to Senior Center.
  - Bridge#3 over Silent Waters area of the Recreation Path location was bid, awarded, and prepared for delivery. This involved logistics coordination and separate contract scheduling for abutments.
  - Prepared to expand the Recreation Path with missing link around tennis courts of SIS campus. Inland Wetland permits, Parks & Recreation staff and trail volunteers.

The Commission made improvements to its operation:
- Open Space Ordinance was revised after much deliberation and examination with the BOA and public.
- Open Space Committee was eliminated and their duties rolled into the Conservation Commission.
- Part-time Conservation Agent was hired and implemented better communication between departments of IWC and PZC.
- Implemented greater use of technology such as emails for agendas, minutes, topic preparation (as of June all emails between a quorum of members are made public to satisfy FOI rules), virtual site visitation with photos and videos, media communication documented and/or clarified via a blog.

The Commission had continued success with its Farm & Forest Preservation Program:
- Jones Family Farms submitted application for Homestead Acres area of their farm. Appraisals were quoted and obtained. Grant application was completed and submitted to the USDA NRCS FRPP. Grant was awarded to Shelton for close to $1million. Referendum was held during general election and supported by >75%.
- A 2nd application was made to Shelton’s program and that is in the pipeline for appraisal and preparation for possible grant utilization.

Relationship building has continued with owners of Properties of Interest (aka Quality of Life List Properties)
- One property owner in the upcoming year will be gifting a portion of land to the City.
Long term issues related to estates are difficult to resolve in quick turn around periods.

Continuing concerns:
- ATV damage, dumping, and other violations on Open Space.
- Better documentation of mapping and cross referencing of parcels with activities taking place upon them.
- Improved tracking of actions by the PZC, BOA and Finance Dept. as they relate to parcels and funds.
- Public education on Open Space issues.

Thanks to the volunteers who poured real sweat equity into making Open Space available and more accessible, the hard working volunteers on our Conservation Commission and Trails Committee, the contribution over the past years by members of the now dissolved Open Space Committee, the BOA for it’s support and respect of our opinions, the Mayor’s office and staff as well as that of the Community Development Department, and last but certainly not least, Harriet Wilbur; my former co-chair and dedicated and tireless advocate for conservation issues.

Thomas Harbinson – Conservation Commission Chairman
Att: Trails Report (6 pages)
Open Space Trust Account Report (5 pages)

January 3, 2007

Mr. Thomas Harbinson, Chairman
Shelton Conservation Commission
54 Hill St.
Shelton, Connecticut 06484

Re: 2006 Shelton Trails Committee Summary

Dear Tom & Commissioners,

2006 was a highly productive and fruitful year for the Shelton Trails Committee and Shelton’s Greenway Program. There were a number of key developments that are finally coming together. Shelton is incredibly fortunate to have a lot of individuals who have been kind enough to volunteer literally more than one thousand hours of their valuable time this year to improve our trails and greenways. A summary of some of this year’s accomplishments includes:

Three Recreation Path Bridges; the Shelton Trails Committee built a 6-foot wide bridge along the future route of the RecPath in the spring just east of Crabapple Road in Huntington Woods. This photo shows the bridge after it was repaired recently following a blowdown that fell on it.

Another significant effort was lead by Spencer Tate and his Eagle Scouts who built two 8-foot wide bridges off Wesley Drive using telephone poles donated by AT&T. The scouts spent more than 160 hours designing the bridges, getting Inlands Wetlands Permits, and carrying the telephone poles via slings through the woods to the bridge site, where they created stone abutments for the bridges. Planks and a bull railing completed the two bridges.

The three bridges facilitated crossing streams to allow people to use the Shelton Lakes Greenway today as a hiking and mountain bike trail, and will work with the future design as a handicapped-accessible multi-use Shelton Lakes Recreation Path is constructed.
The Lane Street Boardwalk: The Trails Committee and the Shelton Land Conservation Trust partnered to apply for and win a competitive $10,000 LEAF grant from the Iroquois Gas Company. The money was used to remove invasive species and replace a boardwalk along the Recreation Path that was being flooded by Bucky the Beaver. The Trails Committee got Inland Wetlands Permits and received assistance from local businesses and volunteers who helped.

An 8-foot test section was built in Bill’s driveway to verify Bob Wilkins’ design. Six Saturday’s saw volunteers visiting Housatonic Lumber to obtain materials and hardware. Three generations of the “Bellringer” were fabricated by IDA International (until we stopped breaking them), and Rick Swanson welded the “Pile Masher”: a 73 lb two-person pile driver, which did more damage to us than we did to it; see photo of Bruce Nichols & Andy Cable below. This project was really difficult because the swamp was flooded most weekends so it was interesting to figure out how to drive piles in the swamp, but we kept at it and it turned out well.

Most of the volunteers enjoyed the challenge and everyone was pleased with the 110-foot finished product. Volunteer spent more than 350 hours, often wading in muck and floodwaters knee deep, to construct the boardwalk by hand during October, November & December. It was really a community project because many members of the Land Trust, Trails Committee, Conservation Commission and other volunteers turned out to help. This is one of the most key components of the Shelton Lakes Recreation Path and provides a ready connection from Huntington Center to the Shelton Lakes Greenway. We have received a lot of positive feedback from residents using the boardwalk. There are more photos of the work parties on the Shelton Trails website.

In September, we lost a dear friend and leader when Harriet Wilber passed away. Everyone on the Trails Committee who worked with Harriet realized the incredible effort she put in to get the ball rolling with Shelton’s Greenway program, and without her, and people like her, we would not be able to enjoy the parks and open spaces that we have today. The Shelton Land Conservation Trust is planning on installing a bench in Harriet’s memory near the Lane St. Boardwalk.

Harriet’s example of community spirited activism lives on however, because a lot of people are working to improve the open spaces that she worked so hard to obtain and protect.

There were a number of other Independent Projects that helped Shelton’s Trails, and the Trails Committee has coordinated their efforts to maximize the return on public properties.

Scouts led by John Labate also built a smaller boardwalk and improved a stone walkway on Oak Valley Trail at the south end of Hope Lake in the April. This improved some wet and stony areas on one of the City’s most popular hiking trails.

In addition, Cub Scout Pack 528 improved portions of Oak Valley Trail at the trailhead by placing woodchips over eroded areas smoothing out the trailed so people could walk over the roots without tripping.

Another volunteer effort in October was done by Kelly Niland and her family in relocating a portion of Dominick Trail and cleaning up garbage on the Ecklund parcel a part of a church community service project.

In September, Daisy Troup 363 picked up garbage and planted daffodils along the Recreation Path at the Intermediate School near the baseball diamond.

Mike Kundrat & friends picked up a small mountain of garbage from Shelton Lakes along the powerlines as part of his Eagle Scout project. Bill Dyer used the
Trails Committee’s Gator to transport the debris up to the Route 108, where City Public Works crews picked it up.

**Girl Scout Troup 512** adopted a portion of the Far Mill River in Pine Rock Park and collected a large amount of garbage and debris from the river. The scouts have chosen to continually keep an eye on this portion of the Far Mill as “Riverkeepers”. Another group of residents from Mill St. & Judson St. cleaned up Gristmill Trail and over a mile of Mill St. along the Far Mill River.

The Trails Committee also ran a number of **work parties** on the Turkey Trot Trail, Dominick Trail, Nells Loop Trail, and the Shelton Lakes Recreation Path. Many of the work parties were to repair storm damage, fix erosion problems and keep the trails in the power line corridor open via weed whackers. **Joe Pratt** led the chain saw gang in removing tree falls blocking the trails. Another work party in the winter involved creating a small loop trail to the little waterfall off Wesley Drive. This is typical of the **scenic features** that the Conservation Commission is trying to inventory as part of the updated Open Space Plan.

The Trails Committee has gotten good help from City Departments. **Dean Cawthra and the Parks and Recreation crew** have done a good job with clearing for Pedestrian Bridge #3 and “The Missing Link” between the Intermediate and High Schools, as well as clearing garbage & debris that was brought out to the road by volunteers. **Teresa Gallagher** has done a great job with the **Shelton Trails** website, marking trails, acting as a liaison with neighbors, and many other tasks. **Bob Kulacz and the Engineering Dept.** has been instrumental in getting Bridge #3 out to bid and under construction. The Trails Committee is very excited about installing Bridge #3 because it has been in the works for some many years & is such a key piece of the Shelton Lakes Greenway. A lot of residents and families will be able to enjoy the views over the pond at Silent Waters after this portion of the RecPath is completed.

Here is a photo of **Bill Dyer** with our “**typical customers**” out enjoying a walk along the Turkey Trot Trail. A section of the prototype fence that is installed atop Dam #1 is shown on the right. A contractor has been selected and will install the fence on top of both dams in the spring of 2007 after Bridge #3 is completed. The bridge, foundation, and fencing are all being paid for using the **$76,000 Recreational Trails Consolidation Grant** that the Trails Committee competitively won from the Connecticut Department of Environmental Protection.

In June, we ran our popular Bridge-to-Bridge Hike of the entire Shelton Lakes Greenway for **National Trails Day**. Many hikers were amazed at how scenic the City open spaces are. The Shelton Trail System is growing in length and popularity each year as more residents explore our open spaces and greenways.

In summary, we had a very good year with a lot of significant progress. Volunteers did an incredible amount of work to create public access to the City’s open spaces at minimal cost to the taxpayer, and we feel that this effort is one reason for the strong popular support for things like the Fall Open Space Referendum and other open space purchases. We hope that we can keep this effort rolling in 2007. We will be submitting a separate list of goals and requests for future projects, which we hope the City will implement.

Yours truly,
The Shelton Trails Committee
Bill Dyer, Chairman
Andy Cable

Bob Wilkins
Terry Gallagher
Mr. Harbinson stated, when you revised the Open Space Trust Account Ordinance in September, it always had it, but the Open Space Committee never followed through on completing it, but it’s outlined there in the first paragraph of my letter “The Conservation Commission shall annually prepare a fiscal report on the Open Space Trust Account for the calendar year to be submitted to the Board of Aldermen no later than March 1.”

So in essence, all we are required to do is report to you the Open Space Trust Account activity, which is on page 3. That shows the activity, and I included past years just for reference as well. The fees in lieu of that were received in 2006 were $40,000. We received interest, and the reason why it’s a substantial amount compared to past years is because the dating of when it was noted into our account by the Finance Department $9,800. Then we had some reimbursement grants that came in, $105,750. Then we made some expenditures for purchases of land, $45,000, and some ancillary expenses related to land purchases, such as title searches, property survey, grant findings, and so on, $4,200-odd. Then you show the results for the year’s activities.

So that’s really all that we’re required to report to you, but I thought I would expound on that a little bit. If you have any questions about the finance report first, though, I’ll take those. The only thing I’ll say is that when you refined the ordinance there in September, it required a $50,000 addition to the Open Space Trust Account for fiscal year 06-07 and this is a calendar year report as required by the ordinance. So I would talk to the Finance Department as the allocation for fiscal year 06-07, if it’s not done in January it be done in the very early part of February.

We accomplished a lot with the Conservation Commission this year and you referred to us a number of times about disposing of certain Open Space properties, which three times we were pretty consistent on that with the property of Who Land on Birchbank Mountain, the property over on Frank Drive and the property on Buddington Road. We were pretty consistent on giving a negative referral on selling open space land.

We also added to our open space inventory with completion of the acquisition of properties in the Housatonic Greenway known as Above the Overlook and Aside the Overlook. Also, in the Shelton Lakes Greenway with the Pagliaro parcel. We also had lands given to the City and fees in lieu of land given to the City as part of the subdivision applications that Planning and Zoning received over the course of the year.

But the real accomplishments with the Conservation Commission this year were with the amount of volunteer work we had – Eagle Scout projects, Cub Scout projects, Daisy troops, Girl Scouts, Church service groups and the general Trail Volunteers. We’ve had a lot of publicity recently with some high-profile projects such as the Boardwalk over on the Land Trust property, and the Bridge #3 that has been placed on top of the dam spillway by Silent Waters, but there’s been a lot of activity with improving boardwalks and putting wood chips on eroded areas, clean ups down at the Far Mill River – it’s not just in the Shelton Lakes area, we’ve been working on trails all throughout town, and just improving accessibility for the public to enjoy the open space in a passive way.

We worked with your Board and the public in refining the Open Space Ordinance this year. Similar to the process we just started with the Tree
We have a part-time Conservation Agent in the form of Theresa Gallagher who has started with us during the course of 2006 and we’ve implemented much better communication between the departments with Inland-Wetlands, Planning and Zoning, and also to make our job easier as volunteers we’ve implemented a much greater use of technology with e-mailing our agendas and minutes and preparing for topics with e-mails and providing those to the public. Also, in the past we used to do site visits where we would actually go out to the sites and have to take time out of our busy schedules, but now with technology we can have our Conservation Agent go out to a site, take video, take photos, and we can all watch it online, as well as the public being able to see what we see with our own eyes and make comments on it.

We were very successful in obtaining some grants, the most notable one is the USDA Natural Resource Conservation Service Forest and Ranch Protection Program. That was for the purchase of development rights on the Jones Family Farms Homestead Acres area. Then of course, with that, the City had to have a referendum to confirm the decisions being made by the Board of Aldermen and the Planning and Zoning that this was the right direction for our community to head, and that was supported overwhelmingly.

You should know that we have had a second application made to Shelton’s Farm and Forest Preservation Program and that is in the pipeline with appraisals and preparation for a possible grant go-around in 2007.

As part of acquiring open space, it really requires us to develop a relationship with property owners. I have expressed this before as large developers are sending out mailers to land owners saying, ‘talk to us, here’s what we can do to preserve your legacy and give you value off of your land.’ We need to also develop a relationship with property owners to express that the City has an interest in preserving open space in the appropriate locations. So we have a number of contacts, property owners that we’re working actively with and they’ll be with, a result with one of those pretty shortly in 2010.

We do have some continuing concerns. We continue to see a lot of damage to our open space and trails and the hard work that the volunteers had put into it with ATV damage, occasionally some dumping and other open space violations. We hope to have better documentation of maps and cross referencing of those parcels with the activities that are taking place upon them. And improving the tracking of actions by the Planning and Zoning and your Board and the Finance Department as they relate to parcels and funds. As an example, as I was auditing this Open Space Trust Account I came across a fee in lieu of approval from an application back in February which I haven’t seen that deposit be made into the Trust Account.

We also want to educate the public a little more about the open space issues, certainly with the referendum for purchase of development rights, we were a little bit restricted in that by campaign finance laws and what we’re allowed to do. We do realize that there was a certain segment of
the public that was uninformed and not fully knowledgeable about what the subject matter entails.

I just want to say in closing, thanks to all the volunteers who poured their real sweat equity into making the open space available and more accessible, and the hard work involved here on our Conservation Commission and Trails Committee, and the contribution over the past years by the members of the now-dissolved Open Space Committee and the Board of Aldermen for its support and respect of our opinions, and the Mayor’s office and staff as well as that of the Community Development Department as we write grants, and last, but certainly not least, Harriet Wilber, my former co-chair, a dedicated and tireless advocate for conservation issues. Thank you very much.

I should say that at the end of the finance report, I had included a report prepared by Terry Gallagher on all the Trails activities. I really encourage you to take a look at it. I’ve had in my mind what had been accomplished this year, and Terry e-mailed me this, and I was just blown away by recognizing all of the volunteer work that has taken place.

I should also say, I gave you all mugs with a photo of the Rec path. The photo was put together by Theresa Gallagher back when she was just a volunteer. We gave similar mugs out to all of the volunteers who worked on the Boardwalk – on the Lane Street property – just as an expression of gratitude for the hard work they put in. That is our expression to you – thanks for all of the support you’ve given us over the years.

Alderman Anglace stated, on behalf of the Board of Aldermen, I’d like to tell you that we recognize the outstanding year that the Conservation Commission has had. It has been one of the best years in the 15 years that I’ve been sitting up here – most productive years I should say. And I think a great deal of that that came about when you took your technology and used it, it seemed like it came from night to day. Just an amazing leap forward. You have a Conservation Officer that is doing an outstanding job and it should be publicly noted. That has made a tremendous difference. The quality of your decisions, the quality of your thinking, of course everybody’s thinking is subject to questions, but overall it has just been outstanding. There are some things that we may not always be understanding of, and it takes a little extra hard work to – it takes discussion and dialogue to reach that consensus and that understanding – this is a group that has done that. This is a group that doesn’t throw stones and get mad and stamp your feet. It’s a group that works hard and delivers. And I’ll tell you – the people have been supportive of your recommendations and stood behind every one of them down through the years, and we’ve got a lot to show for it. The Board of Aldermen certainly join me in saying thank you from the bottom of our hearts for all you do.

[Applause]

Adjournment

Alderman Kudej MOVED to adjourn; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 6-0. The meeting adjourned at approximately 8:50 p.m.
Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: ________________

DATE APPROVED: ________________ BY: _______________________

Mark A. Lauretti
Mayor, City of Shelton