Shelton Conservation Commission Minutes  
February 1, 2006   7:00 p.m.

(These minutes will be officially approved by the Conservation Commission in the next meeting, March 8, 2006.)

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1.0 Call to Order/Pledge Allegiance
Co-Chairman Tom Harbinson called the February meeting of the Conservation Commission to order at 7:10 p.m. in Room 303, Shelton City Hall. The Pledge of Allegiance was recited.

Attending: Chairman Tom Harbinson, Chairperson Harriet Wilber, Commissioners Bill Dyer, Ed McCreery, Jim Tate, Joe Welsh, Hank Lauriat

Guests: Steve Bellis, Terry Gallagher

2.0 Approval of Minutes of January 4, 2006
At 7:11 p.m. Chairman Harbinson entertained a motion to approve the minutes of January 4, 2006. Commissioner Lauriat moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed.

3.0 Public Portion
None
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4.0  Subdivisions

2 Lot Subdivision, 227 Thompson Street – J & D Country Builders
There is an existing house on the property which will be made into a two lot subdivision between Grey Street and Thompson Street off Booth Hill Road. The Commission perused the map of the property. The Commission recommended to accept fee in lieu of.

At 7:15 p.m. Chairman Harbinson entertained a motion to accept fee in lieu of for the 2 Lot Subdivision, 227 Thompson Street. Commissioner Lauriat moved the motion; Seconded by Commissioner Tate. All voted in favor; motion passed.

2 Lot Subdivision, 115 Booth Hill Road – Tice Brothers
The Commission studied the map of the property. The lots are sized at 1.08 acres and .9 acres. Julie Street is on the north and Clinton Drive is on the south of the property. The property is located on the border of Monroe and Shelton, almost into Trumbull. Open space is adjacent to the Monroe, but there is no adjacent open space in Shelton. There were no natural features shown on the map. The Commission recommended to accept fee in lieu of.

At 7:20 p.m. Chairman Harbinson entertained a motion to accept fee in lieu for the 2 Lot Subdivision on 115 Booth Hill Road. Commissioner Lauriat moved the motion.

Commissioner Welsh suggested obtaining a commentary from the Town of Monroe, in the event that Monroe wants access onto Booth Hill Road from their open space parcel as part of this subdivision, or on the other side, if the City of Shelton wanted to visit a land feature in Monroe. Chairman Harbinson stated the Commission should be knowledgeable of what the adjacent towns have in regard to open space to use when questions regarding the borders arise. The
Commission suggested acceptance upon comments from the Town of Monroe.

Amended motion at 7:27 p.m. Chairman Harbinson entertained the amended motion to accept fee in lieu for the subdivision contingent upon commentary from the appropriate board of the Town of Monroe regarding the need for a conservation easement for a pedestrian easement to access the open space shown on the map of the 2 Lot Subdivision on 115 Booth Hill Road.

Chairperson Wilber seconded the motion. All voted in favor; motion passed.

Chairman Harbinson recommended putting a request into each adjacent town to obtain their open space plan.

Any Pending
None Pending

5.0 Request to Swap Lot 137, Map 66, Frank Drive – Chairman Harbinson
The Commission talked about this property in the December meeting, and Agent Jim Pjura provided the Commission with digital photos of the site.

Mr. Steve Bellis attended tonight’s meeting because last month the Commission asked questions about the property. He presented the assessor’s map showing the land owned by Hugo Provensano, and the City of Shelton’s land. There is a 27.56 acre piece to the right, Lot 21 on the assessor’s map, and another 8.25 acres, Lot 23, owned by Fleet National Bank. (The premise regarding these 2 lots is that they might become City open space in the future.)

Mr. Bellis is proposing to swap a strip of Mr. Provensano’s land along these two open space areas and give a conservation easement along the rear of Mr. Provensano’s land which would connect these two parcels with a piece of open space the City owns near the half acre open space on Frank Drive.
The City’s procedure to sell open space does not apply in this case because the open space is less than an acre.

No application has been submitted to PZC.

In the last meeting the Conservation Commission looked at proposals showing 3 lots with and without the City’s land. It had questions whether it was a fair swap as far as value for value because there is a small piece of wetlands on Mr. Provansano’s land and the City does not own the two pieces of land adjacent to his land.

Mr. Bellis stated Mr. Provansano would not only do the swap and the conservation easement, but he would pay what the assessor calls the full value of the City piece which is $7,310.

Mr. Bellis checked the land’s deed of February 26, 1974. It was not deeded as open space, but that was not the practice to do so at that time.

The map of the property shows there can be 3 legitimate lots with or without the City’s land and a map was presented without a road and with just driveways. The purpose of having the City’s land is to provide better leaching fields, and if the land is swapped, the homes would be in a cul de sac and would not be close to the wetlands on the property.

Commissioner Tate commented he has a philosophical objection to reconfiguring City open space to facilitate development. There are many lots coming into the City where the applicants are asking to trade or buy small pieces to reconfigure. The policy has been set that little spots mean something to the City and be left wooded; it would probably be kept preserved with the first owner, but it would not be clear if it would be preserved with another owner. This property in question now has a stone wall, and is an area of a rural wooded one half acre which everyone should try to preserve. Chairman Harbinson agreed with Commissioner Tate that it is a nice vegetated corner lot with a stone wall bringing
character to the neighborhood. The three conventional lots do not propose a hardship, and do not rise to Chairman Harbinson’s level of a reason for disposal of City open space.

Chairman Harbinson asked what are the thoughts of the Commissioners present. The Commissioners stated to leave it as open space and to keep it the way it is.

Mr. Bellis stated there was no application pending, but came to the meeting to keep the Commission abreast of what was happening.

The Commission stated it reiterated its letter of December 2004 stating it did not approve the swap.

At 7:37 p.m. Chairperson Wilber entertained a motion stating a letter should be sent to the Board of Aldermen saying that Lot 137, Map 66, Frank Drive should be kept as open space to benefit the neighborhood in regard to its streetscape. At the present time we don’t see the benefit to the City for swapping. Commissioner Lauriat moved the motion; seconded by Commissioner Dyer. All voted in favor; motion passed.

Mr. Bellis thanked the Commission and left the meeting.

6.0 Communications – Chairperson Wilber

Communications received are as follows:

- Minutes of the Joint meeting of the Planning and Zoning Commission and the Board of Aldermen, Shelton, Connecticut, January 24, 2006. (Refer to Item 6 on the Agenda)
- An Owl Hike on Sunday, February 12th, sponsored by the Quinnipiac River Watershed Association.
- John Deere Catalog
- Two “Governing” Magazines
- Iroquois Report Bulletin
- Newspaper article on DEP on trail for better hiking in region
- Urban Forestry grant letter
- Monitorial Report from a landkeeper
Other Business items are as follows:

Mr. Terry Gallagher commented on the article in the Connecticut Post by Frank McKane, Jr. which mentioned that Shelton was an example by setting a model of what towns can do with a greenway program and how a community can coordinate the building of a trail system.

Chairman Harbinson commented the Chaffee’s property on Lane Street is being severely impacted by the Means Brook which is backing up behind a beaver dam. John Cook let him know about the problem. Chairman Harbinson replied to Sandy Nesteriak, the Mayor’s administrator assistant, about the situation. The Conservation Commission cannot solve the problem. It will be an Inland Wetlands Commission’s issue.

Two Aldermen contacted Chairman Harbinson wanting to know what the Open Space Fund was. At the Finance Committee meeting on January 24th, it recommended changing the Open Space Trust Account Funding to be a straight $50,000 appropriation a year. The expenditures have to be approved by the Board of Aldermen and deposits consist of fees in lieu of from PZC. The Finance Committee will make this proposed ordinance change to the full Board of Aldermen next week.

Chairman Harbinson stated starting on September 30, 2003, the ’03–’04 allocation into the Open Space Fund was $129,000; the allocation for ’04–’05 allocation was $192,600; and there was no allocation made for the ’05–’06 year. It has been recommended to change it to $50,000 a year.

Chairman Harbinson stated the administration has been very supportive of open space needs through the years and if the Commission wants to buy a parcel “the aldermen step up to the plate” with bonding, a referendum or whatever need be. He said the Fund is
an important tool to be maintained for some of the smaller parcels and the Commission has to react in a timely manner for the family’s needs.

7.0 Trails Report – Commissioner Dyer

Commissioner Dyer reported that the committee:

- Received the Recreation Trails Grant signed by the Mayor that consolidates the various grants giving the Trails Committee $70,000 plus the 20% from the City which allows the Trails Committee to buy the bridge.
- Submitted today to the Purchasing Department the specifications and bid list for nine potential bidders for the bridge over Silent Waters. He will need 3 quotes from engineers for the abutment design.
- Contacted fencing contractors. Since fencing will be needed on both dams, the contract will be for 11,075 feet of fencing.
- The trail through the missing link from the Recreation Path to Constitution Boulevard has been approved by the Board of Education. Two potential routes have been flagged. Commissioner Dyer renewed the Wetlands permit to cover that area and has to file for an extension on the uncompleted segment on the Intermediate School campus. John Cook, Inland Wetlands Administrator, will set the clearing limits before the trees are cut so the Committee will be implementing the Inland Commission’s approval condition. The missing link is located where it is a little dryer, but is actually closer to the spring. It will be a judgment call on Mr. Cook.

Commissioner Tate stated the Committee will need $3,000 from the Commission’s budget to pay for an engineer to some abutment work.

At 8:12 p.m. Commissioner Tate made a motion the Conservation Commission approve $3,000 for engineering fees for the bridge abutments, once the Commission receives suitable quotes, and gives authorization at the discretion of the Chairman to spend those funds. Commissioner
Lauriat seconded the motion. All voted in favor; motion passed.

Commissioner Tate stated the Commission has to get the section from Constitution Boulevard to Route 108 completed first. Mr. Dean Cawthra of the Parks and Recreation Department will do most of the work. First, the extension of a wetland permit previously mentioned will be obtained. Second, fill will have to be found.

Commissioner Dyer said Mr. Barry Mucci and Mr. Dean Cawthra have agreed to provide the fill and the equipment to complete the project.

In addition, Commissioner Tate noticed there is serious erosion of the shoulder of the road along Constitution Boulevard and if anybody wanted to pull off to go to the trail, he would not be able to do so. Road millings and filtered fabric which is used in some parking lots would make it more stable. Commissioner Tate and Mr. Gallagher will issue together the correct way to do both the trail and whatever shoulder work needs to be done and educate the street department how to do it properly.

Also, Mr. Gallagher stated the recreation path may have in certain sections wood chips, crushed stone, or pavement.

The Commission put $50,000 in the Capital Expenditure budget for the next fiscal year to use for the recreation path. Mr. Gallagher said it is nice that was done since the Mayor and the Aldermen are in favor of completing Section 1. Chairperson Wilber asked if he would be willing to come to the Finance Committee’s hearing in March to explain how the $50,000 would be used. Mr. Gallagher said yes, he would be.

- An excellent job was done by the Parks and Recreation Department putting in an 18” pipe with fill to take care of the wetlands at Pine Lake on Section 1A on Meadow Street.
Chairman Harbinson reminded Chairperson Wilber to reimburse Bill for the filter fabric and other material he purchased relating to that construction work.

- Two bridges will be built by Boy Scout Spencer Tate, but a wetlands approval will be needed.
- A new trails website developed by Teresa Gallagher is called SheltonTrails.org. It was suggested to make a section on the website for any happenings or projects to be done or need to be done related to the Trails Committee.
- There is a problem with ATVs. The Trails Committee would like to put up official signage that would quote the Shelton ordinance stating no dirt bikes or motorized vehicles are allowed on City open space. It was suggested Mr. Gallagher and the Committee get in touch with the Chief of Police to legally see what is necessary for signage, also, coordinate with Sandy Nesteriak about this problem.
- Commissioner Dyer met with Former Chairman Terry Jones and Basil Dikovsky in regard to the Recreation Path.

At 8:40 p.m. Chairman Harbinson entertained a motion to go into executive session for the purpose of discussing potential land acquisitions related to the Recreation Trail inviting Terry Gallagher from the Trails Committee and Basil Dikovsky to join the session. Commissioner Lauriat moved the motion; seconded by Commissioner Dyer. All voted in favor; motion passed. The tape machine was turned off.

At 8:55 p.m. Chairman Harbinson entertained a motion to come out of executive session back into regular session. Commissioner Lauriat moved the motion; seconded by Commissioner Dyer. All voted in favor; motion passed.

Commissioner Ed McCreery arrived while the Conservation Commission was in executive session.
8.0 **America the Beautiful Grant – Chairperson Wilber**

This grant was issued for the Orchard Park Playground located near Route 8. Chairperson Wilber stated in the grant application plantings were estimated to cost $3,000, playground equipment is $9,000, and renovation of the basketball court is $2,000. The total cost of these is $14,000. The grant received was for $3,000 for the plantings. Mr. Ron Herrick will have to pay the balance from the Parks and Recreation’s budget for the playground and for the basketball court including the work to install them. The $3,000 will be reimbursed, and the City will have to provide at least $1,500 for in kind services. It will be determined who will do the cleanup. Mr. Herrick will be given a copy of plan and of the grant. Dean Cawthra of Parks and Recreation was told by Ms. Charlene DeFilippo to put it on his spring schedule. Ms. Randy York, Alderman, will be working on the project. Because the Commission’s energy and time has been reserved for other projects, it was suggested to ask the Board of Aldermen to have another department take over the plan.

9.0 **Plan Update Advisory Committee – Commissioners Jim Tate and Chairman Harbinson**

Commission Tate stated there was a joint meeting of the Plan Update Committee, the Planning and Zoning Commission, and the Board of Aldermen last week which was the Aldermen’s and PZC’s first receipt of this plan. There was a formal presentation made by Planimetrics. He said it went very well and the idea that was presented by Frank Osak, the chairman of the Plan Update Advisory Committee, was well said and commented the new Plan was based on fact, and before people criticize it, they should understand that the decisions, or the movements of this plan, and some of the prose, and whatever changes made, are based on facts, and if people would make the same, the committee is looking for responses. The important goal is first to agree on the facts, and then go forward from there.

Chairman Harbinson commented there will be two meetings on February 7th and February 14th where the PZC will digest the Plan in depth and bisect each
section. It will be forwarded to the Board of Aldermen who will ask for an 8-24 Referral from the Planning and Zoning Commission in order to be adopted.

10.0 Update of 1993 Open Space Plan – Chairman Tom Harbinson
The modification of the Open Space Ordinance was discussed in Item #6, Communications regarding the Finance Committee and the Board of Aldermen. The Open Space Committee has not met for a while. In regard to the update, it was suggested since it was the Open Space Committee’s task to prepare the Open Space Plan, Chairman Harbinson speak will to Dave Zamba to call a meeting to update the Open Space Plan. The Commission recommended to investigate by the next meeting someone who would be interested to do $5,000 worth of work on the update of the Plan.

11.0 Zoning Regulations – Commissioner McCreery
In the last meeting Commissioner McCreery said he would get zoning regulations regarding tree cutting and tree clearing from other towns. According to the information sent by Terry Gallagher:
- Stamford regulates the cutting of trees within right-of-way on the owner’s property and getting a permit.
- Torrington requires a site plan, the mapping of specimen trees and a good explanation of why some of these have to be removed, then they can be cut.
- Redding requires that if a person wants to clear cut more than one acre in less than 12 months, then an application must be submitted explaining why this is being done, and along with provisions for erosion and sediment controls.
- Norwalk regulates the cutting of trees in the wetlands; they cannot be cut down, but they have to be topped and to let die so that they can become a habitat for the insects and the wood peckers. Developers complain because insurance companies exclude standing dead trees, and if they fall on a person, house or a car, they are not covered.
Almost every town, some by regulations or some by saying a person cannot work within wetlands, feel that cutting trees is a required permitted activity. Commissioner McCreery stated the Redding regulation was the one that made the most sense to him. Also, Commissioner Lauriat commented to add the CRD regulations regarding specimen trees to our suggestions to PZC. The Commission stated it could draft something for PZC’s consideration of these regulations.

Chairman Harbinson stated the Commission will obtain a copy of the Redding regulation and take the verbage regarding specimen trees from Shelton’s CRD regulations and incorporate that to other subdivisions.

Also, for consideration is to propose to the Board of Aldermen to include open space parcels under an acre in the procedure now established to sell land over one acre.

Commissioner McCreery will work on these two suggestions for next month.

Terry Gallagher left the meeting.

12.0 **Quality of Life – Possible Executive Session – Chairman Harbinson**

* Letter to Landowners
* Quality of Life List
* Possible Land Purchases

At 9:15 p.m. Chairman Harbinson entertained a motion to go into executive session for the purpose of discussing potential land purchases. Commissioner Lauriat moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed. The machine was turned off.

At 9:31 p.m. Chairman Harbinson entertained a motion to come out of executive session back into regular session. Commissioner Lauriat moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed.
13.0 Nature Resource Manager Position – Possible Executive Session – Co-Chairmen Wilber and Harbinson
At 9:32 p.m. Chairman Harbinson entertained a motion to go into executive session for the purpose of discussing the Nature Resource Manager position. Commissioner Lauriat moved the motion; seconded by Commissioner Dyer. All voted in favor; motion passed. The machine was turned off.

At 9:45 p.m. Chairperson Wilber moved to come out of executive session back into regular session; seconded by Commissioner Dryer. All voted in favor; motion passed.

14.0 Comments by Members
Chairperson Wilber stated Charlene DeFilippo was asked by Dean Cawthra if he could have some of the America the Beautiful grant money for plantings at the Plumb Memorial Library. Ms. Filippo said no, it cannot be done. Chairperson Wilber suggested it would be a worthwhile gesture if the Conservation Commission would allocate some money from its planting budget to do that. The Commission agreed.

Chairperson Wilber stated the Commission has $8,000 in the budget for plantings. She suggested $2,500 for plantings at the library if the Parks and Recreation Department would like it.

At 9:48 p.m. Commissioner McCreery made a motion to approve an expenditure of its budget up to $2,500 for use by the Parks and Recreation Department under the supervision of Dean Cawthra if needed to provide landscaping plants around the Plumb Memorial Library while undergoing renovations, provided the set funds would only be used for the acquisition of non-invasive native species. Commissioner Lauriat seconded the motion. Commissioner Tate said he will tell Mr. Cawthra about the motion made. All voted in favor; motion passed.
15.0 Adjournment

At 9:57 p.m. Commissioner Tate made a motion to adjourn. Motion seconded by Commissioner Lauriat. All voted in favor; meeting adjourned.

Minutes prepared by ________________________
Anita Shortell, Clerk