City of Shelton, Conservation Commission
Minutes for the Regular Meeting on Wednesday, February 6, 2013 at 7:00 P.M.
Minutes should be considered a draft version until approved by CC at their next meeting.

Call to Order ......................................................................................................... 1
A. Call to Order/Pledge of Allegiance ................................................................. 1
B. Approval of Minutes .......................................................................................... 2
C. Public Portion (items not on agenda) ............................................................... 2
D. Open Space Encroachments .......................................................................... 2
  1. Request for use of open space for gazebo at 15 Pine Tree Hill Rd .............. 2
  2. 45 Wesley Drive encroachment .................................................................... 5
E. Trails Committee Report .................................................................................. 5
F. Open Space Trust Account Status ................................................................. 8
G. Budget – 2013/2014 FY .................................................................................. 8
H. Review of PZC or IWC Applications for Subdivisions and/or Developments... 8
  1. Old Applications/Monitor/Follow-up ............................................................ 8
    i. UI application to CT Siting Council to build an electric substation and related facilities on a 6-acre parcel at #14 Old Stratford Rd adjacent to the Far Mill River .......................... 8
  2. New Applications ........................................................................................ 9
    i. PZC# 12-21, Zone change for proposed 262-unit apartment complex at 740 Bridgeport Ave (Map 19, Lot 56). PZC public hearing 1/23/13. .......................... 9
H. Communications (sent or received) ................................................................. 9
I. Quality of Life – Executive Session (land acquisition and security issues) ...... 9
J. Comments By Members ................................................................................. 10
K. Adjournment .................................................................................................. 10

Call to Order
Present: Tom Harbinson, Chairman
        Bill Dyer, Vice-Chairman
        Joe Welsh, Commissioner
        Jim Goodman, Commissioner
        Jim Tate, Commissioner

Also
Present: Teresa Gallagher, Conservation Agent
        Terry Gallagher, Trails Committee
        Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance
Chairman Harbinson called the meeting of the Conservation Commission to order at 7:05 p.m. All in attendance recited the Pledge of Allegiance.
B. Approval of Minutes

Commissioner Goodman MOVED to approve the minutes from the January 2, 2013 Regular meeting. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

C. Public Portion (items not on agenda)

Guy Beardsley, 276 Leavenworth Rd, reporting for the Shelton Farmers Market.

Mr. Beardsley brought a Stella Natura calendar. It is a great source of information on how to plant and how to be successful in planting due to the moon and constellations. The calendar tells you when you should not plant. He gave the calendar to one of the Commissioners.

Mr. Beardsley reported that the Shelton Farmers Market has invited the Old Ripton Garden Club for their plant sales in May.

He said that there is a winter farmers market at the Benedicts Agway store in Monroe, every Friday, 2-5 PM. Mr. Beardsley is the only representative from Shelton at the market. The other Shelton vendors said they didn’t have enough to make it worth their while.

Chairman Harbinson spoke about the new residents at Avalon starting in the spring and how that can impact the market. Mr. Beardsley said that in March they will have their market meeting and lock in the dates. He said that the Citizens Advisory Board has representatives from Avalon coming to the meeting and they could pass along the market dates to them.

D. Open Space Encroachments

1. Request for use of open space for gazebo at 15 Pine Tree Hill Rd

William & Dawn Chapman, 15 Pine Tree Hill Rd

Chairman Harbinson commented that this property is off Beardsley Rd and the subdivision has an open space dedication behind some of the properties that includes a pond. There is a gazebo structure and lawn area that is in open space.

Agent Gallagher presented an aerial photo of the property. It shows the gazebo and a shed, which the homeowner is moving. The cart will also be moved. She also noted the lawn debris and a large platform that was built by kids. She said she contacted Boy Scout Troop 28 regarding cleanup of this area during the Clean Sweep event.

Mr. Chapman said the kids built the platform for wrestling events. He said he had tried to stop to them, to no avail.

Mr. Chapman stated that he has been maintaining the pond by picking up all the garbage that ends up in there. He presented pictures of the gazebo and pond area. He said neighbors use the pond for fishing and ice skating.
Agent Gallagher stated that Mr. & Mrs. Chapman are asking for permission to leave the gazebo.
Chairman Harbinson said that right now it appears that the pond is on private property. We would need to give it some sense that it is public property and they could use it for fishing.
Commissioner Tate suggested putting up a sign. He said that our concern would be any liability issue with the gazebo. Commissioner Goodman concurred.
Agent Gallagher stated that she had gotten a complaint from someone who said they wanted to go and fish at the pond but because there was a shed, gazebo and other stuff they thought shouldn’t be there.
Commissioner Tate also expressed concern if it detracts from the natural character/environment of the open space. The only development of open space that I feel is appropriate is access to the open space.
They talked about the gazebo and the construction and Mr. Chapman said he built it 20 years ago.
Chairman Harbinson said that this subdivision is fairly old and the procedures we follow now is to pin and/or sign the open space.
Commissioner Tate said that the issues the Commission is facing now is where they are finding quite a few homeowners encroaching on the open space by extending their lawn and putting up structures. The policy here has always been that we have to hold the line and not set a precedent. We have to review each situation. I think at this point if we put up a sign and you are willing to take responsibility for the gazebo, I think that may be fair. I realize that it would take a bit of energy to move it. I will ask what the other Commissioners feel.
Commissioner Welsh suggested a delineation of plantings. He suggested a row of high-bush blueberry or winterberry.
Chairman Harbinson asked if there were any issues with Inland Wetlands. Agent Gallagher said he would have to touch base with John Cook. She stated in her letter to the homeowner that they would have to obtain permission from any other applicable City Boards.
The Commissioners agreed that it would be more disruptive to the site if the gazebo were to be moved. Mr. Chapman said he would move it if he had to.
Agent Gallagher said that he did speak with Attorney Tom Welch about people who maintain lawn or anything else in open space should go through him. They would sign a contract that is similar to what we use for those who hay the open space. It’s a one-year license.
The options for the Commissioners are to move it, leave it and get the license agreement, or to leave it in exchange for the plantings.
Commissioner Welsh asked if we have money in our budget for the plantings. Chairman Harbinson said we do have funding to do land improvements. Commissioner Tate suggested Agent Gallagher should go out to look and see if it’s feasible.
Agent Gallagher asked if the Commission is suggesting something be planted or are you making it a condition.
Commissioner Welsh said that the plantings would be more to define where the open space is. Commissioner Tate said then we’d have to survey it. He’s not sure we should go that far.

Chairman Harbinson said this all came about because a fisherman came to us regarding being uncertain where the open space is versus where the private property is. We’ve established a little bit about that and regarding the encroachments, the homeowner has agreed to move some of the items off the open space. We wouldn’t be doing the plantings this time of the year.

They talked about making this decision tonight versus next month. We will have more encroachment violations to deal with next month. Commissioner Goodman expressed concern about setting a precedent, especially because we are going to be dealing with other ones as well.

Vice-Chairman Dyer asked if this is a benefit to more than just Mr. Chapman. Mr. Chapman said yes, during the summer we have quite a few people fishing, as well as the winter. They also use the gazebo.

Chairman Harbinson talked about what would happen to this situation if in the future the Chapman’s sell the property. Would the people know that this is an area they can go fishing? Commissioner Tate said this is why he suggested a sign.

The Commissioners and Agent Gallagher discussed signage.

Agent Gallagher stated that the two issues are the gazebo and the lawn in the open space. The Commission would need to sign off on both of those.

Commissioner Goodman suggested the plantings to separate the yard from the open space. This would be a natural demarcation.

The Commissioners agreed about the planting demarcation.

Chairman Harbinson MOVED to approve leaving the gazebo in the open space at the property located at 15 Pine Tree Hill Rd. for the following reasons: It has existed for approximately 20 years, it has been a well-utilized community public amenity known to the neighborhood, and that the homeowner has maintained it for the public to enjoy, and will continue to do so for the public interest. Removal would do more site disturbance to the close proximity of the pond. The homeowner will remove the shed and the cart from the open space. A demarcation between the private back lawn and the City open space be established with plantings such as winterberry, subject to Agent Teresa Gallagher’s recommendations to the appropriate plantings. A sign will be posted on the gazebo stating it is for public access. Agent Gallagher will contact Corporation Counsel. Vice-Chairman Dyer SECONDED the motion. All were in favor; MOTION PASSED.

Chairman Harbinson directed Mr. Chapman to keep in contact with Agent Gallagher regarding the licensing agreement.
2. 45 Wesley Drive encroachment

(Discussed after agenda item H – tape 2, side A)

Agent Gallagher received a written request from the homeowner at 45 Wesley Drive. The neighbor at 49 Wesley has a significant encroachment. I sent letters to each. The neighbor at 49 Wesley Dr. has until 2/15 to respond.

Agent Gallagher showed the encroachment to the Commissioners. The homeowners are saying this is mostly from when the developer was building the homes. The letter basically says that at no time since the purchase of their home in November 2004 were they made aware by the builder or the City that the land depicted on the aerial photos was part of the open space land. The lawn was seeded by the builder. They are requesting approval to maintain the small parcel of open space.

Agent Gallagher then showed the photo and described the encroachment of 49 Wesley Drive. The encroachment is 70’. She described the boulders and cliff in front of the homes. She recommends that the homeowner has the property surveyed. She talked about the fact that they had been before the ZBA years ago and they were told about the open space and they said they knew where it is and said they know they were not supposed to touch it.

Agent Gallagher said how she found out about it is when she was on the Rec Path and discovered a Christmas tree dumped and could see where it was dragged from. There is a 4’ black chain-link fence 70’ into the open space.

Chairman Harbinson pointed out that they have violated the ZBA approval with these encroachments. Agent Gallagher said she would be talking to Tom Dingle, the Zoning Enforcement Officer. She said the approval letter and map is filed in the Town Clerk’s office. The approval was for a swimming pool that extends 6’ from the property line. Conservation Commission sent a letter in 2007 advising that it is ok to put the pool in with conditions. She noted that 5 years later there was a similar request of a neighbor and we did not give the recommendation to approve.

The Commissioners discussed the two properties.

The Commissioners decided to hold off on responding to 45 Wesley until we receive the response from 49 Wesley.

E. Trails Committee Report

Vice-Chairman Dyer reported that the collapsible bollards are installed at various locations along the Rec Path. We still have to put locks on them. For now we’re going to leave the gate open at “Dean’s gate”.

He said he checked into the source recommended for fence rails and found out that there is no such thing as locust rails; only hemlock and pressure treated. They only make locust posts. Apparently they don’t grown long enough. The rail prices were fairly comparable until you add shipping costs. We’re just going to have to keep buying them 10 at a time locally.
Terry Gallagher reported that they fixed 13 rails on January 5th. One has since broken and they have used up all the rails we had in stock. Commissioner Welsh asked if there was a local sawmill that could make them out of cedar?

Vice-Chairman Dyer said that would be ideal.

The Stihl chainsaw safety program will be scheduled some time in April.

Vice-Chairman Dyer reminded the Commissioners about the situation regarding the Paugusset trail going through the cul-de-sac on Mayflower. We were wondering about where the open space really is. Apparently it goes through part of the driveway of 35 Mayflower Lane.

Terry Gallagher explained the reason for going back out there is we are looking at ways to adjust the Paugusset trail to address the concerns from the CFPA and the neighbors to have less impact. Vice-Chairman Dyer went out there crawling through the briars on his hands and knees trying to find the best way through there. We are looking to pull the trail away, splitting the difference between the two neighbors.

While we were looking we discovered many structures on the open space, such as swing sets, a camper and part of the open space is paved.

We are suggesting having the open space surveyed and pinned. Perhaps a two-rail- split-rail fence should go in to designate the areas. We will try and jiggle the Paugusset trail around so it goes through City property as far away as possible from the adjoining neighbors. They are obviously encroaching in the open space quite a bit.

Tape 1, Side B

Agent Gallagher explained the complaint from the homeowner. What is happening is where hikers are stopping at her property to try and find where the trail picks up again. The lady said she is outside in here driveway in her bikini and they are looking at her.

The Commissioners discussed how much of the area should be surveyed and pinned. They directed Agent Gallagher to get quotes for the survey just for the corner lot.

There is a scheduled “marshmallow march” hike February 24th at 1PM at Nicholdale.

The 2012 volunteer hours printout was given to Chairman Harbinson. The total volunteer hours was 1742 ½. Terry Gallagher thinks there may be some projects not listed.

Reimbursement request from Richard Skudlarek for $91.67 for 10 fence rails.

Chairman Harbinson MOVED to approve the reimbursement of $91.67 to Richard Skudlarek for the purchase of fence rails. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.
The Commissioners talked about the Boy Scout bridge project. Vice-Chairman Dyer and Jim Taradine went out and made some modifications to the bridge. The Boy Scout, Gabe Brown, and his father came to the Trails meeting. We had a long discussion and we agreed to accept the bridge for the purpose of him getting his Eagle Scout award. We have some changes we’d like to make and they have agreed to work with us to make those changes. We are going to make the railings and ballasts continuous on both sides of the bridge. We went out and stiffened the railing section on the lake side. We are going to add more ballaster pickets so that it is consistent with everything else. There may be some deck improvements.

There was discussion of how they are going to fix the slippery decking. Vice-Chairman Dyer reported that there about 6 Boy Scouts who are working towards their Eagle Scout promotion. They will be coming in with their presentations. Terry Gallagher added that they will be closely reviewing any future projects.

Commissioner Goodman talked about a possible project off of Huntington St where the stream goes to Mill Street (Far Mill River). He said there is a lot of debris that gets into the waterway. The Means Brook is right there.

Agent Gallagher, who is on the Litter Committee, talked about people who have seen maintenance people who take care of the parking lot at the shopping center, go in with leaf blowers and blow all the garbage into the river. Commissioner Welsh said that the dumpsters in the shopping center are also a big problem.

They talked about all the junk they have seen over time along the river, especially by the house by St. Lawrence Church. Agent Gallagher said that they have to be aware that some of the streams are part of private property so it’s hard to steer cleanup crews to those locations.

Commissioner Welsh asked what is the next step after the clean up to address how it’s getting in the streams.

Agent Gallagher talked about the litter committee and what they do. They do Clean Sweep, Adopt a Street, and what they are trying to move towards is maybe dealing with some of the businesses along Bridgeport Ave & Huntington Center in getting them to be more pro-active and cleaning their areas. One area that is a problem is Wal-Mart. We’ve had someone go there and talk to the manager about cleaning the area along the Bridgeport Ave area in front of the store. They said they don’t own the property and we don’t allow our employees to go out there for liability reasons.

She also mentioned the bus stop area across the street. She said the reason you always see shopping carts laying there is that people sit on them while waiting for the bus. Someone on the committee called the Greater Bridgeport Transit Authority about getting a bus stop. They said they just got a grant to put in 80 bus stops and they are working on the list.
Commissioner Tate suggested contacting Bill Purcell from the Valley Chamber of Commerce to assist in their litter projects. The Commissioners gave Agent Gallagher some ideas. Terry Gallagher mentioned that the high school students will be contacting them in the near future for their volunteer hours in April and May. We are going to try and come up with some ideas for the kids. He also reported that the hats came in from Blanchette’s. They turned out nice. We will give the kids a hat if they participate in multiple work parties and give at least 20 hours. We will sell the hats at the Shelton Day event for $20 each. Terry talked about the Boy Scout that did his Eagle Scout bridge project. We thanked him for all his efforts and time. They overcame a lot of obstacles along the way.

**F. Open Space Trust Account Status**

No changes

**G. Budget – 2013/2014 FY**

Chairman Harbinson said that he would incorporate some of the changes submitted by Agent Gallagher into the budget. The one increase in salary is due to a pay increase. Commissioner Tate asked if we spent all that was budgeted last year, and Chairman Harbinson answered no. Apparently we have not done so in the past years. We will have to have justification as to why we are keeping the budget the same. Chairman Harbinson stated that he had revised some of the line items to more closely match what we have spent. Some were reductions. Commissioner Tate talked a bit about some projects he’d like to have funded. Commissioner Welsh talked about a maintenance plan for certain parcels and include that in the budget. Our budget request is due by February 15.

**H. Review of PZC or IWC Applications for Subdivisions and/or Developments**

1. Old Applications/monitor/ follow-up
   
   i. UI application to CT Siting Council to build an electric substation and related facilities on a 6-acre parcel at #14 Old Stratford Rd adjacent to the Far Mill River

This Commission requested access for fishermen to the Far Mill Rd.
Chairman Harbinson reported that he went to the site walk and was at the siting council’s meeting. Everyone was amenable to our requests.

2. New Applications

i. PZC# 12-21, Zone change for proposed 262-unit apartment complex at 740 Bridgeport Ave (Map 19, Lot 56). PZC public hearing 1/23/13.

Chairman Harbinson reported that he spoke at the public hearing to reinforce our letter that we sent to Planning & Zoning. Then I also spoke at the hearing as a private citizen. The decision will be made at the P&Z February meeting.

H. Communications (sent or received)

Tape 2, Side A

- Closing documents for the purchase of the Dikovsky property
- CT Forest & Parks Association annual membership renewal

Vice-Chairman Dyer MOVED to renew membership with the CT Forest & Parks Association. SECONDED by Chairman Harbinson. All were in favor; MOTION PASSED.

- CFPA newsletter
- CT Land Conservation Conference on Saturday, March 23. Agent Gallagher submitted our Recreation Path for an award nomination for excellence in conservation. Wesleyan University

I. Quality of Life – Executive Session (land acquisition and security issues)

Chairman Harbinson MOVED to go into Executive Session to discussion possible land acquisitions to expand the open space and security issues @ 9:04 P.M. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.

At 9:18 P.M. Commissioner McCreery MOVED to return to Regular Session. SECONDED by Commissioner Goodman. All were in favor; MOTION PASSED.

Chairman Harbinson reported that no motions were made in Executive Session. We discussed several parcels and in discussions with the property owners for potential acquisition for open space.
J. Comments By Members
Commissioner Welsh said there is the 2nd annual CT Agriculture Commission conference, Feb. 23rd at East Conn, Hampton CT, 9AM-3PM, cultivating a healthy agriculture network.

K. Adjournment
Meeting adjourned at 9:20 P.M.

The next regularly scheduled meeting is Wednesday, March 6, 2013.

Respectfully submitted,
Marianne Chaya
Clerk, Conservation Commission