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Call to Order

Present: Tom Harbinson, Chairman
Bill Dyer, Vice-Chairman
Hank Lauriat, Commissioner
Jim Tate, Commissioner
Joe Welsh, Commissioner
Ed McCreery, Commissioner

The Commission currently has 6 active members.

Also Present: Teresa Gallagher, Conservation Agent
Marianne Chaya, Clerk

Pledge of Allegiance
Chairman Harbinson called the meeting of the Conservation Commission to order at 7:00 p.m. All in attendance recited the Pledge of Allegiance.

Approval of Minutes of January 3, 2007

Commissioner Tate MOVED to approve the minutes from the January 3, 2007 regular meeting. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.

Public Portion

Roberta Reynolds stated that she was here to observe how this Commission’s meetings are since she heard that the Conservation Commission has great meetings. Also, if there is an opening on the Trails Committee I would be interested.
Teresa Gallagher took her name, phone number and email address. Vice-Chairman Dyer said he is the Chairman of the Trails Committee and there are always openings on the committee.

Review of P&Z Applications for Subdivisions and/or Development

Lava Real Estate, PZC#06-27 (Commerce Drive and Bridgeport Ave.)
Chairman Harbinson reported that the IWC did discuss this project at the last month’s meeting and it would be continued until the February 8th meeting.
A & A Brothers Inc., IWC#06-42 – 163 Long Hill Crossroads
Chairman Harbinson stated that the IWC did read our Commission letter regarding wanting some open space buffering from the Klapik open space and they did approve it. There was a lot of discussion regarding the Old Road right-of-way, whether it was Old Road or Old Mill Road and that the open space dedication is something that would happen from P&Z, not Inland Wetlands. The approval did note conditions referring to our letter. P&Z has yet to take it up.

Shelton River Front Development, PZC#06-48 – Upper Canal Street
Chairman Harbinson presented modified plans that were presented at the public hearing.
Agent Gallagher stated that Jason Perillo is drafting a resolution and they are seeking our input.
Chairman Harbinson noted some of the changes and all the members discussed the plans in detail plus the Riverwalk and the City’s responsibility.
Commissioner Tate discussed the details regarding the grant for the design of the Riverwalk.
The Commissioners also discussed the density issue and the ability to access the area. They also discussed the need for access to the train station plus other transportation issues.
Commissioner Tate suggested the Commissioners think about how to get a link to Riverview Park across the canal.
Agent Gallagher explained that she was told Jason Perillo would draft a resolution and then the Commissioners would be able to comment.

Joe Pereira, Pereira Engineering asked to present plans to the Commission on a new subdivision off of Soundview Ave.

Commissioner McCreery MOVED to add the Soundview/Red Fern subdivision presentation to the agenda. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Soundview Ave/Red Fern Subdivision, 279 Soundview Ave – Presentation of plans for Huntington Development Group, LLC
Joe Pereira, Pereira Engineering, presented the plans for the Commissioners to review.
Mr. Pereira stated that this parcel is a little over 14 acres. It is located across Red Fern Ridge subdivision on Soundview. East is Meadow St. and the high school is southeast.
Mr. Pereira showed the area they want to dedicate to open space, which is 1.4 acres. Chairman Harbinson noted the areas of open space and the direction of the expansion of the Shelton Lakes pathway. He also pointed out the area that would be affected when Constitution Blvd. is expanded.
Mr. Pereira stated that there would be 11 lots on 14 acres with the 1.4 acres of
open space dedication. We will put in sewers and water. There are two pockets
of wetlands and we will be staying 75-80’ from them and outside of the 50’
regulated area. It is a nice, simple layout because it is an old pasture area.
Commissioner Tate asked if they could move the stonewall to the street. Mr.
Pereira said that it would have to be moved anyway and they could consider it.
Agent Gallagher asked about the stonewall on the back line. Mr. Pereira said
they are all old farm walls.
Commissioner McCreery asked if they would consider a conservation easement
for extra protection for the wetlands that abut the open space. Mr. Pereira said
he would talk to the client and does not expect it to be a problem. He suggested
putting in an 18” stonewall as a delineation.
Chairman Harbinson discussed the access to the trails from Red Fern and Old
Dairy and possible open space dedications for this purpose. Commissioner
McCreery discussed conservation easement for connectivity to the trails
envisioning future needs.
Chairman Harbinson said there needs to be an extension of the narrow end of
the proposed triangular open space area. I think conservation easements are
easily lost in terms of being tracked and open space in-fee ownership is a lot
easier to get through the land records.
Mr. Pereira suggested a pedestrian easement for direct access. We could
maybe carve out a 20’ wide swath since this is already cleared and no additional
trees would need to be taken down. Chairman Harbinson stated it would be
important to delineate the pedestrian easement, whether it is a stonewall or split
rail fence.
Commissioner Welsh asked about the drainage because it slopes down to
Soundview. Mr. Pereira showed the plans. He explained that all the roof drains
would go into stormwater galleries. The road drainage will be picked up in deep
sump catch basins with hooded outlets. We have designed a rain garden that
will polish the stormwater before it’s introduced back into the wetlands. This
follows what is in the latest CT Stormwater Quality Manual.
The sewer system was detailed for the Commissioners.
Chairman Harbinson stated that before we give a formal letter we should allow it
to be received by Planning & Zoning.

Any Pending
None.

Communications

Commissioner Lauriat mentioned that he dropped off his letter to Toll Brothers.
Did we hear anything from Toll Brothers?
Chairman Harbinson said that we received a letter from Cyndee Burke, Mayor Lauretti’s secretary saying that the Mayor received a copy of Commissioner Lauriat’s letter to the Toll Brothers regarding the Vistas At White Hills. The Mayor is inquiring about the stonewall – will it be a dry stone wall or mortared. Agent Gallagher told Cyndee that it would be a dry wall. They speculated that the reason the Mayor was asking what type of wall it is, is because East Village Rd. has a scenic road status.

Commissioner Tate commented that the correct term is not whether it is mortared or dry-laid; the correct term is a dry-laid look. It would be better if it were mortared cord with a dry-laid look, rather than to exclude mortar altogether.

**Clear-cutting parcels – tree cutting ordinance**

We had our joint meeting with the Board of Aldermen in January.

Tape 1, Side B

Chairman Harbinson said, I had been thinking that perhaps a P&Z regulation might be a better avenue than an ordinance to have something get accomplished.

Commissioner McCreery stated that what he took from the BOA meeting was that we are going to run into a buzz saw if we don’t have some greater residential exemptions. There were some who would seem to be saying that this should be in the laps of P&Z and/or Inland Wetlands. Some of the concerns expressed were that maybe P&Z and IWC would not be too concerned with this issue if placed in their lap. When we first started talking about this we did talk about making it a tweak to the P&Z Commission regs, taking the concept of whenever someone came in for a building permit, special exception permit, site plan approval or land use approval that they had to also delineate the significant trees and show the landscape plan and the impact. The concept being that they were already preparing a site plan or landscaping plan. Let’s just tell them in more detail what has to be in, visa vie the existing foliage, what was going to be removed and what is going to be replaced. When I started looking at it, it became a Herculean task because of Shelton’s regs, as most towns, have been hobbled together over the years. Although as mentioned in the town attorney’s letter, many references to landscaping and site plans. There is nothing coherent. You would have to make multiple changes to multiple sections of the zoning regulations to have a coherent being throughout it. The idea is to preserve mature trees, specimen trees, landscaping, boundaries adjacent to changes or transitions in zones, to existing open space, and protection of stream corridors and the trees intended to buffer them. We now have to look into whether we try and revamp the ordinance that we got, or we started working on, or do we take a different direction and look at revamping revisions to other Commissions who, by human nature, take umbrage to the fact that we are suggesting, without being invited to, changes to their regulations. Those are the issues that I throw out.
Chairman Harbinson said that there was concern by the BOA about adding more staff, the ability to handle payment of fees by people who are on a fixed income, and it occurred to me that P&Z already has a process in place to receive payments. There are people authorized to receive payments and people who go out in the field regularly. There is an infrastructure in place that is more easily to facilitate the processing of this. It’s not just for development applications that people come into P&Z. If someone wants to have a business in their home – they have to come to P&Z for approval. Since there is something already there I thought that P&Z might be a better avenue than an ordinance.

Vice-Chairman Dyer asked, if we raise it to more than an acre, how many people would need such a permit? Are we talking two or three a year? How many people are going to cut more than 10 trees a year? What we are trying to stop is the Turkey Hill Estate kind of thing, right? Agent Gallagher stated that P&Z allowed it. Vice-Chairman Dyer said that they didn’t have any reason not to allow it or any regulations that says they could not do it. That is what we are trying to change.

Commissioner Tate commented that what you may be talking about is an end result that is maybe flawed from the beginning. I took a close look at this and tried to apply it to projects and different applications. It’s flawed because it really isn’t enforceable with the mechanism the City has. The people we are trying protect may be the most encumbered. There may be modifications that could be done through this that you may be able to do but I think Ed is going in the right direction. If we are talking about wetland issues, stream bank protection, which is where we had the issue on Rte. 110, which is out of our purview. That’s an advisory, we make a strong direction or write something that is suitable to Inland/Wetland changes and they have the eyes out and we try and educate them in the vein of our problem. Then we go and explain the problem to P&Z. What we might get back from P&Z is we may get better mapping. Maybe if that is accepted practice where we get the site plan coming back with significant groupings on it and we can pay attention through that site plan approval. That is the person I think is going to be the biggest offender. What if they go in and clear cut the property and strip the topsoil, knowing that some day, and they don’t have approval for a subdivision, they did it tomorrow. That is the type of thing I would expect this ordinance to solve. Frankly it doesn’t have the beef behind it in the site plan approval that it needs. They may be able to go and get a tree permit, and I don’t see a basis for denial, but you could solve that regulatory process with a site plan approval by changing something. There would be an implication that if he did follow that, they could do whatever they wanted with the trees and we might not have had that safeguard in that site plan approval process. We may be able to get several things back from us if we can change the regulation a little bit by making people more aware. I mean not only trees, but also stonewalls as a vanishing resource.

Commissioner McCreery added that we may be able to enhance other things such as the Commission may require an applicant to relocate existing stonewalls,
just like what we asked tonight on the presentation of the Soundview Ave. subdivision.
Commissioner Tate asked what is the enforcement mechanism to make this happen and how does it mean something? The way I see it is we have Teresa, the Tree Warden and this tree person the City hires, all having conflicting inputs. Who is the right person on that? It's the Tree Warden. I don't think this person is a big fan of it now. I don't see this, even though everything about this is in the right spirit and right idea, I don't see it working in the best mechanism with the City. There are other ways to make this end goal happen with other positive goals coming back to the City, such as natural resource protection and better mapping.
Agent Gallagher commented that back in the '80’s when I drafted maps in Stamford, on every project I had to put down every tree.
Commissioner Tate stated that just as the trees area resource, so is the meadow resource. The same protection should be afforded to that as well.
Commissioner Lauriat brought up the fact that when Jewel was our resource agent she went out to the area across from Aspetuck and did more than just identify the trees, she put ribbons around the trees she wanted saved. She even had another City person going out to agree to her evaluation. Would you care to go out there and find any of those trees? How much more can one person do? The other Commissioners said that some of the trees actually were saved. Commissioner Tate felt that that process was valid. You could put a site disturbance line around that on a site plan and create an easement or a mechanism by which those trees could be conceivably saved.
Commissioner McCreery suggested not attribute current lack of enforcement, whether it's for monetary reasons or incentives, or motivations, to what's the proper legislative technique to implement this.
Commissioner Lauriat said that he was trying to make a point that there is no system.
Commissioner Tate commented that it should be on the site plan approval process. I kind of wanted to hear that the Inland Wetlands would make a recommendation or something that we could turn back into something that was really “their idea”. P&Z is the same way. They may say, well I don't know how this works but these are the following things I think are valid, whatever that may be. In other words give them a draft and ask for comment.
Chairman Harbinson said I think the route we took by going with a ordinance to the BOA and not having some in depth discussion about what our intent was, it kind of got dropped as “here's our draft” and put up a roadblock.
Commissioner McCreery said he presented it to John Cook and I got the distinct impression that he liked it but the IWC could care less. Whether they ever considered it, I don't know. There was never any feedback from them.
Chairman Harbinson added that we never sent it to P&Z either. I guess what I am hearing is that we should go in the direction of a zoning and Inland Wetlands direction rather than an ordinance direction.
Commissioner McCreery added that we should make sure there is wording about resource protection, such as stonewalls and more definition on the site plans. We have to make certain changes to the language to make things consistent. Vice-Chairman Dyer asked how does that avoid the problem of clear-cutting and stripping the topsoil before they show up?

Commissioner McCreery said that there is going to have to be a similar mechanism where if you are not coming in for a building permit or anything that triggers a site plan approval, if you intend to do “X”, you must get a permit for that; like a site disturbance permit.

Commissioner Tate agreed about the disturbance permit and said he felt that we are losing a lot of valuable buffer areas because of what I call a weekend activity. Chairman Harbinson pointed out that we had an exemption in there about farming and forestry and I was talking with Terry Jones who said Jaime brought it to his attention about the tree ordinance. He gave two examples of some cutting that they do that I would have never thought about. There are some property owners that have very long lots that butt up against his tree farm. Every 20 years or so he gets in touch with the property owners to clear out about a 30’ wide buffer from his farm into their property. The reason he does that is because it is southern facing and he needs more sun for his trees to grow. It does two things; it allows the forest to reforest itself and creates a screen between the farm activity and the residential area. He is doing activity on someone else’s property to benefit his farming activity, which we would like see promoted in the community. The others discussed that as being a possible permitting activity and there are so many scenarios.

Chairman Harbinson also pointed out that there is timeliness of the issuing of permits. He has some trees planted near the blueberries on the valley farm that is a windscreen. They had planted a double row years ago but they don’t really need the double row anymore and the only time they can cut them is when the ground is frozen and firm, which is right now, and he was trying to set up someone to come out and cut them. I just wanted to bring these two examples up.

Commissioner Welsh said I think people are going to be coming in most likely asking if they need a permit or not. If you have a business you don’t want your name in the paper saying that you clear-cut without a permit. Most likely you are going to come in and check.

Chairman Harbinson stated that he is hearing by consensus that the Commission would rather move in the direction of implementing something that works within the Zoning or Inland Wetlands regulations rather than an ordinance.

Vice-Chairman Dyer said it sounds that we are of the consensus, but how do we implement this?

Chairman Harbinson asked Commissioner McCreery how he thought we should go about this?
Commissioner Tate suggested asking other communities what their procedures are and then report back here next month.
The Commissioners continued to discuss enforcement including the motivation to pursue it.
The Commissioners divided up the duty to contact the neighboring towns. It was suggested contacting the town’s planning administrator. They are to ask what mechanisms do they have in place to avoid inappropriate, unauthorized, bad site disturbance activity, such as clear-cutting before there is any zoning approvals in place for the use of the site or removal of earth materials without any Zoning Commission or Land Use Board approvals. It was also recommended to ask them about handling stonewall issues.

**Former UI property on Buddington Road**
Chairman Harbinson reported that the City now owns the property.
Don’t assume that that type of concept might not get asked again. We learned a lot from this and we are respected for standing on principles and not just the passion of something being in your back yard and fighting it.

**New Conservation Commission Member**
Chairman Harbinson reported that he passed on the names of the three applicants to the Mayor and told him who our recommendation was, and I haven’t heard anything yet. The comments I heard was this is now the time for the budget process so talk to him after that.

**Conservation Agent Report**
Agent Teresa Gallagher reported as follows:

**Open Space Trust Account**
The balance as of 11/30/2006 was $211,512.
Chairman Harbinson reported that Finance has deposited the $50K into the account for fiscal year 2006-07. They did this some time in January.

**Project Safe Trails**
  a. I spoke briefly with Fire Chief John Millo and was cc’d on a letter from him to Captain Edward Tevolitz assigning him to create an SOP to provide fire suppression and rescue operations on all the trails.
  b. I took a call from Richard Alston from the Trumbull Center Fire Dept Rescue Diving Team on Feb 6. He would like us to supply them with maps showing water bodies of the town; anywhere they might
need to respond to a report of a drowning or to look for a discarded handgun. I plan on working with John Cook to supply the maps. The more detail, the better, water depths if possible.

c. **ATV's/ dirt bikes**

    i. **Long Hill Avenue** complaint from neighbors about two ATVs coming from 519 Long Hill Avenue and damaging large areas of the open space behind Long Hill School. I have not yet received the police report. John Anglace mentioned that it did not sound like the rider would be willing to repair any of the damage.

    ii. **Buddington Road dirt bikes**: A certified letter was sent to #214 Buddington Road.

**Encroachments.** There were 15 documented encroachment issues in 2006 on City Open Space.

Tape 2, Side A

Issues included ATVs/dirt bikes (7), clearing (6), dumping of landscaping debris (4), signage (2), and construction filling (1). Of the 15 encroachments, 9 are ongoing, 5 are closed, and 1 is pending IWC. A spreadsheet of the encroachment is online via our Google website and also attached. The spreadsheet for Encroachments is at: [http://spreadsheets.google.com/pub?key=p7eVfoW0oJhvt7WAQyJrDYw](http://spreadsheets.google.com/pub?key=p7eVfoW0oJhvt7WAQyJrDYw)

Commissioner Lauriat commented about the old vehicles on the left as you drive into the Vistas at White Hills. I remember years ago when someone made a similar comment about a lot of junk vehicles on someone’s private property and P&Z went and had them clean it up and make it neat. It was listed as an unallowable dump or something or other. I did comment about them when I dropped off the letter at the office at Toll Brothers. The comment was that probably when everybody gets through paying $850K-$1M for their homes and when they come home every night from work and have to look at them that they are all going to get together and someone will clean it up.

**Open Space Marking/Pinning & Standard Subdivision Language**

Bill Dyer was going to ask Tracy Lewis to review our new verbage to be included on all subdivisions.

Areas of pinning were pointed out by the Rec path. The Commissioners authorized having a fence put in at the area pointed out. Agent Gallagher is to obtain a quote.

Tracey Lewis is going to survey in the Rec path up to the boardwalk and will give us a map. The cost is $2400.
Commissioner McCreery moved to appropriate $2400 from the Conservation Commission's budget (account number to be determined) for the purpose of obtaining a survey marking the boundary lines for Open Space #100 and #125 and the Recreation Path. Seconded by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.

Rec Path Grants

I spent considerable time gathering and organizing data on the various funding mechanisms that have been used on the Rec Path, expenditures, reimbursements, and so forth. These include:

- State Bonding for paved portion: $100,000
- USDA Forest Service – 2 timber bridges: $22,000
- LOCIP Funding – Hunt. Ctr bridge abutments: $12,000
- DEP Grant #1 – Pine Lake bridge: $40,200
- DEP Grant #2 – Gator, misc enhancements: $23,144
- DEP Grant #3 – Silent Waters Bridge & fence: $49,025
- Huntington Woods approval condition: $60,000
- Total Outside Funding: $306,369

Funds remaining

The Huntington Woods fund has not been spent (60K). The new DEP Consolidation Grant incorporates what remains in the DEP Grants #1, #2 and #3, for a total of $75,421, part of which has been just spent on the Silent Waters bridge and railing. Under the Consolidation Grant, the City agreed to also provide handicapped fishing access to all three reservoirs, create canoe put-ins, and install benches and interpretive signs. About $38,000 plus Nagy's invoice has been spent so far.

State LOCIP funds are available to fund the Rec Path. Conservation would make a request to BOA for LOCIP funds and, if BOA approves, an application for the funds would go to the State.
The Commissioners discussed how LOCIP works.

Commissioner Lauriat left the meeting at 8:50 P.M.

Communications (cont’d)

- Letter from Inland Wetlands regarding the tree cutting violation on Holly Lane. The matter has been referred to Corporation Counsel.
- Copy of letter from DEP regarding a permit on Emhart Technologies property in terms of their remediation plan. The property owner has to do an assessment survey for archeological resources. After completion of work the...
owner has to plant the entire excavated area with a non-invasive fresh-water title wetlands species (native to the Long Island Sound).

- CT Forest & Parks Associates request for membership. The Commissioners agreed that we should join.

**Vice-Chairman Dyer MOVED to appropriate the $75 for membership to the CT Forest & Parks Associates. SECONDED by Commissioner McCreery. A voice vote was taken; all were in favor, MOTION PASSED.**

- CT Wildlife Magazine
- CAKYWAC (?) Newsletter
- Quarterly Report from Planning & Zoning

**Trails Committee Report**

Commissioner Dyer reported as follows:

**Rec Path – Phase I**

1. Pine Lake bridge (near the Police Station and Senior Center) to Meadow Street. The Mayor thinks this section should be paved. After discussion regarding the fact that asphalt would soon start buckling due to pine needles and roots, plus the fact that the City is not equipped to handle the maintenance, the Commission feels the best thing is to pave the parking lot and use stone dust or millings on the path. When the Rec path was first conceived there were not other areas that could be used for such activities as roller blade skating, therefore should not be necessary. The millings for the path should be hard and compact enough for even wheelchair usage, if needed.

2. Missing Link to Route 108 – We would like to be able to use LOCIP funds for this project. This is the area near the tennis courts at the school campus. The plan has always been to go back down at Constitution and cross 108 at the light. We do have about $12K of grant money left to do this project. We did go out and flag the area. There was discussion of the direction of the path to get to Rte. 108 and cross at the light. Agent Gallagher showed her idea of the route. Whatever the route, it has to be the safest possible way.

3. Finish the Fence and the Bridge – I think we can get Bob Kulacz to finish the area going to and from the bridge.

**Recreation Trails Grant Application**

There is a trails enhancement grant from the DEP. We have won three of them in the past. We didn’t submit one for last year. It is due in early March and we plan to apply for it and have some ideas of how that’s going to go.
Dikofsky Triangle

Everything is in place to get the Dikofsky property and I don’t know if it’s happened yet.
Chairman Harbinson stated that this item is on the 02/08/07 agenda for approval.
John Anglace emailed me and the motion as it read did not incorporate our verbage saying to recognize this as a donation of the future division of his land. I copied town counsel on it and they said that would be something that needs an 8-24 referral from P&Z. Rick Schultz said that they already gave a favorable decision on the 8-24 referral. I think everyone is aware of what we want to do and it is on the BOA agenda for tomorrow.
Agent Gallagher stated that she sent a thank you letter to Basil from the Commission.

Plan of Conservation and Development

Open Space set-aside of 15%
We discussed this earlier and had mentioned that we don’t think Planning & Zoning has actually approved it.

Ensure public access to the Housatonic River
There has been some activity at the State with Senator Debicella regarding the CRRA plan for public use and closure plan for the landfill. He is looking into the funding.

Scenic Resource Inventory
Agent Gallagher received some input from Regis Dognin.

Quality of Life – Executive Session

Vice-Chairman Dyer MOVED to go into Executive Session at 9:30 P.M. to discuss possible land acquisitions. SECONDED by Commissioner McCreery. A voice vote was taken; all were in favor, MOTION PASSED.

Commissioner McCreery MOVED come out of Executive Session at 9:55 P.M. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Chairman Harbinson stated that in Executive Session the Commissioners discussed getting an appraisal of a property in White Hills. We are going to accept the low bid.
Commissioner McCreery MOVED to accept the low bid, out of three received, for a potential property acquisition in the White Hills section in the City of Shelton. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Commissioner McCreery MOVED to request quotes for appraisal of property in the Shelton/Stratford border region for potential acquisition for open space. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Comments By Members
None.

Adjournment
Commissioner McCreery MOVED to adjourn. SECONDED by Commissioner Welsh. All were in favor, MEETING ADJOURNED at 10:05 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission