Conservation Commission Meeting
Minutes
March 3, 2004

(These minutes will be formally presented to the Commission on April 7, 2004 for their approval)

1.0 Call to order/Pledge of Allegiance

Co-chairman Harriet Wilber called the March meeting of the Conservation Commission to order at 7:05 p.m. at the Shelton City Hall, Room 303. The Pledge of Allegiance was recited.

Attendees: Harriet Wilber, Joe Welsh, Hank Lauriat, Ed McCreery, Jim Tate, Jimmy Pjura

Not Attending: Tom Harbinson, Terry Jones

Guests: Dean Cawthra, Bill Dyer

7.0 Maintenance of Trees, Re: Dean Cawthra, Tree Warden and Superintendent of Parks

Dean was invited to the Commission’s meeting to talk about the continual maintenance of trees that have been planted in Shelton that the Commission would like to see have a healthy life.

Jim T. told Dean that the City will have different and special trees planted in the new Constitution Park and in various other areas of town, and the Commission would like to have some suggestions or guidelines in which the Commission would be able to have someone mark them, protect them, and perhaps buy larger trees that would last longer.

Jim suggested the trees could be protected with tube guards. Dean agreed. Jim also suggested he would like to plant trees to fill in near the willow trees along the Riverwalk, tend to the trees in the City
that need attention, replace trees and possibly appoint a monitor to take care of these trees. He asked Dean for some direction on the matter.

Dean said it was very difficult to get volunteers. Harriet said the Commission has the money in the budget to go forth with the project. Jim suggested contracting for the maintenance of the trees. Dean stated Jim should check with Charlene because there was still money in the grant for the Constitution Park. Jim, also, asked if Dean had extra funds from the Commission to pay attention to specific areas the Commission deals with, and wondered if the Parks and Recreation Department would be available to help. Dean answered he could get a contractor for certain jobs and would get good results. Jim T. suggested the Commission should make a wish list and Dean could put a cost to it then the Commission would be able to work on it from there. Dean was favorable to the idea.

The Commission discussed grates around trees. Dean said when the trees grow up, so does the grate and said it is not a good idea in sidewalks unless the tree is going to be replaced. They should be replaced after so many years. After a discussion of maintaining the trees, Dean left the meeting.

2.0 **Approval of Minutes of February 4, 2004**

At 7:20 p.m. Hank Lauriat made a motion to approve the February 4th minutes, motion seconded by Jim Tate. All in favor; motion passed.

3.0 **Public Portion**

There was no public who wished to address the Commission.

4.0 **Report of Jim Ryan – Enterprise and Commerce Park**

- Birmingham Apartments

Jim was unable to attend the meeting.
Harriet stated in a meeting of the Open Space Committee it was discussed that the parking garages were going to go where the present canal is. She mentioned Tom Harbinson is in favor of trying to revive the canals as a way to attract people to come downtown. Instead of the Riverwalk going along the river’s edge near where the Birmingham Condominiums are proposed, it could swing in along this canal and then eventually back out towards the river bank.

Harriet suggested the Commission propose a letter to go to PZC and Mayor, cc: Jim Ryan, if the Commission was all in agreement. Jim Tate recused himself for a potential conflict of interest.

At 7:21 p.m. Ed McCreery made a motion the Commission to send a letter to PZC and the Mayor saying that in regard to the construction of the Birmingham Condominiums, it would be a historical mistake to construct the parking garage over the original right-of-way of the canal system. Motion seconded by Hank Lauriat. All in favor; motion passed.

5.0 Communications

The following items were received:

- Ethics Seminars, Monday, March 1, 2004 at 5:15 p.m. or Monday, March 15, 2004 at 5:15 p.m. in the City Hall auditorium at 54 Hill Street, Shelton, CT.

  The Commission discussed the subject of ethical requirements.

- Public hearing, PZC will discuss SDA and PDD zoning regulations amendments by We R-1 on March 9th at 7:00 p.m. at Shelton City Hall.

  The Commission discussed PDD’s and SDA’s.

- Public hearing, Farm Winery, zoning regulations amendments, Jones Family Farm, March 9th at 7:00 p.m. at Shelton City Hall.
- List of City Hall employees with phone numbers.
- Board of Zoning Appeals agenda.
- Nature Conservancy Magazine.
- University of Connecticut, College of Agriculture and Natural Resources, Journal, Newsletter.
- Jones’ Family Farm Valentine Newsletter.
- Letter sent to Mayor Lauretti from a Shelton homeowner who had observed a hunter on City owned open space. She requested no trespassing signs and no hunting signs to be placed on City owned property.

The Commission discussed the possibility of a column or small notice in a local newspaper from the Conservation Commission stating that hunting is not allowed on City owned open space by way of public ordinance. Another option would be to extend the observance of hunters into the Landkeepers program.

Jimmy P. is to prepare a news article for the next meeting.

6.0 **Subdivisions**

**Blakeman Estates**

The Commission discussed a map of the subdivision located on Birdseye Road Extension.

Harriet asked if the Commission wanted open space or fee in lieu of on the property. The Commission recommended fee in lieu of.

At 8:03 p.m. Ed M. made a motion to the PZC that the Conservation Commission recommends to accept fee in
lieu of open space for the subdivision of Geno Blakeman of 8 Birdseye Road Extension, Shelton, CT.

Hank Lauriat seconded the motion. All in favor; motion passed.

**Hidden Meadow Estates**

- Master Plan

Observing a map of the area, Ed M. stated, when the new proposal is looked at and when looking at the former map from PZC, it shows how the new plan deviates from the original plan. Ed distributed a print out of the Hidden Meadows Estate area. He said what’s in green is shown how it was in the original master plan for the subdivision and what’s in pink is what they are proposing now as a modification. He stated they slid the entire four lots closer to the City owned land. They encroached on the back to what was supposed to be open space by elongating lots 14 and 15. This results in the violation of the City conditions set forth in a Board of Aldermen motion, made when the City bought a strip of open space along the Jones Farm in order to create a buffer, that was to be present in all of the phases of the Hidden Meadow subdivision. Ed read the motion which included an additional 100 foot wide conservation easement along the 100 foot strip of the open space and prohibited the construction of a dwelling within 300 feet of the Pumpkinseed Farm property line.

Ed stated, according to the motion read, by relocating this new Lot 12, southerly, that house as shown in the new subdivision map, will violate that 300 foot set back from the property line of Jones Farm mentioned in the Board of Aldermen’s motion.

The Commission discussed the property line of the subdivision looking at the map.
At 7:55 p.m. Ed McCreery made a motion for a recommendation of the Conservation Commission that the proposed layout for Hidden Meadows Estates be rejected in its current format because it is inconsistent with the master plan filed for this site with the City when the developers originally came before the Planning and Zoning Commission. The new plan calls for sliding over originally designated lots, 21, 22, 23, and 24, that are now designated as 12, 13, 14, and 15, in a southerly direction.

This causes one house to fall within the 300 feet that should not occur as stated by the motion made by the Aldermen. The Conservation Commission also asks for a conservation easement along the border of lot 12 and Beardsley Road.

The motion will be sent in a letter to PZC including the printouts that were distributed at the meeting.

Hank Lauriat seconded the motion. All in favor; motion passed.

Any Pending

Cranberry Hill Estates

Harriet suggested a letter should be sent to PZC stating the Commission is very concerned about the environmental aspects of this subdivision. It would adversely impact the area’s natural resources.

At 8:10 p.m. Ed McCreery made a motion to send a letter to PZC stating the Commission thinks that this is an inappropriate use of a PDD which results in the overdevelopment of the property that affects the surrounding natural resources.

Hank Lauriat seconded the motion. All in favor; motion passed.
7.0 Report of Conservation Agent – Jimmy Pjura

Landkeepers Program

- List

The work is still in work in progress. Jimmy has five people that presently have a site to monitor. He still has homeowners awaiting a property to monitor. There are a total of 15 landkeepers on the list.

Open Space Violations

- Fran’s Way

No Report

- Nature’s Way

No Report

- Hickory Lane

Jimmy is waiting a response from Atty. Tom Welch’s letter to the homeowners.

- Pearmain Road

After last month’s meeting, Jimmy stated he would like to meet and speak with the homeowner on Pearmain Road. He spoke with Atty. Tom Welch and will arrange a meeting with Atty. Welch, Rick Schultz and himself to resolve the existing situation. It is Jimmy’s understanding that the developer wants his $5,000 bond money back. Since the homeowner is parking on open space, Jim T. suggested the developer should put up a split rail fence on the property line. The Commission told Jimmy P. to take care of the problem and to tell Rick Schultz this is what the Commission wants to happen.
Harriet read a letter previously sent to PZC requesting that it not release the bond because of the erosion problems on the property.

**Ordinance**

This is discussed later in the meeting.

**Hanging of Open Space and Conservation Easement Signs**

Jimmy P. said he was taking inventory of all the signs before he starts. Harriet asked if he got a list of all the open space and conservation easements that need signing which the developers never did. He replied he has to do that.

**Installation of Gates, Split Rail Fences**

Jimmy P. spoke with Sandy Nesteriak about the installation of the gates on Oak Valley, Independence Drive, and Route 8. She is waiting to hear from Iroquois Gas to determine if they will split the cost of the gates. She has not heard from the company, as yet.

**Recreation Path**

- **Huntington Woods**
  
  Jimmy P. said the developer, Jimmy Blakeman, was supposed to grade a portion of the Recreation Path, but he is not ready to do it yet. In addition, he and Jim Swift will go to Scenic Lanes and Lane Street in a couple of weeks to mark the Recreation Path.

- **Pine Lake**
  
  No Report

**Falls of Huntington**

Jimmy P. said Roland LaPierre of the Aquarion Water Co. agreed to submit payment of $15,000 to the Open
Space Fund in lieu of the foot bridge at the Falls of Huntington.

**Calculation of Fee-in-lieu-of**

Fee-in-lieu-of is derived for 10 percent of the land, over minimum one acre, from an appraisal of market value of raw land with no buildings on it. Jimmy said 10 percent of that is the fee-in-lieu-of.

The Commission discussed the fee-in-lieu of.

**Boehm Pond Woods**

- **Site Monitor**
  
  Jimmy reported the landkeeper is the site monitor for Boehm Pond Woods. The Commission requested he get the name of the professional site monitor paid for by Monty Blakeman.

- **Open Space Signs**

  Jimmy said John Cook told him the signs should be hung soon.

  Jim T. mentioned to Jimmy P. off Far Mill Street that there is a pond on the left. It is very important that that access route into the open space accessing that pond be identified. He said it was very nice down there. On the Winthrop side of the pond there is an old cabin with a lot of rubble on the side of it. Jim T. wants Jimmy P. to make sure it does not get into open space without being cleaned up. Ed M. told Jimmy to check it out and bring it to Rick Schultz’s attention.

12.0 **Quality of Life – Possible Executive Session – Harriet**

Harriet stated Atty. Tom Welch sent a communication suggesting an executive session.
At 8:30 p.m. Harriet entertained a motion by Hank Lauriat to go into Executive Session to discuss an ordinance; seconded by Jim Tate. All in favor; the machine was turned off.

At 8:32 p.m. Hank withdrew the motion to go into Executive Session because this is not one of the reasons to go into Executive Session.

She said the Commission wrote a letter to Atty. Welch asking him for his suggestion for writing an ordinance to have enforcement power for violations of our easement and open space areas. Atty. Welch wrote back informing the Commission to talk to the Board of Aldermen. He referenced State Statute 7-148.

Harriet asked Ed M. if he remembered pursuant to Connecticut Statute Section 7-148. He looked it up and replied Section 7-148 is the generic powers to pass ordinances. It doesn’t give any guidelines or guidance.

Harriet said the Commission should tell the attorney what the Commission wants. Another suggestion was to ask the Board of Aldermen if they would be willing to entertain doing it.

The Commission discussed how the ordinance could be written. Ed M. stated the statute that Atty. Welch referred to is generic entitling municipalities to pass ordinances and to establish fines for ordinances. One area is the environment. There is a general power given to towns to create ordinances. Ed did not have the answer if this Commission would have the power to have that enforcement because this Commission is supposed to be an advisory type board. So, it would probably be referred to Planning and Zoning or Inland Wetlands. He said the town attorney would be able to answer those questions.

At 8:44 p.m. Ed M. made a motion that the Commission write a letter asking the Board of Aldermen to authorize the town attorney to draft an ordinance for enforcement of city rights to prohibit
degradation of conservation easements and open space caused by violations of open space regulations.

Motion was seconded by Hank Lauriat. All in favor; motion passed.

8.0 Meetings with the Mayor, February 13th, 20th, 27th – Jim, Harriet

Tom Harbinson, Terry Jones, Ed Conklin and Jim T. attended the three meetings with the Mayor. Harriet attended one of them. The topic of conversation was the purchase of open space.

At the meeting, several properties were discussed, one of which was the land that was purchased by the Mayor on the River Road. In response to inquiries about that land, Harriet read a statement as follows:

“The Conservation Commission did talk about the 14 acres at 550 River Road when it was brought to our attention several years ago. At that time we did not know the price of the land, but we did know it was contaminated. When we learned this, we were not interested, so we did not pursue its purchase.”

That is the Conservation Commission’s response to our part we played in that land.

In addition, Harriet stated they talked about several other properties. They were the Wiacek property, the Wabuda property, and the Tall property.

At 9:05 p.m. Ed McCreery made a motion to send a letter to the Mayor indicating that the Conservation Commission would support the acquisition of the Wiacek property even if the Wiaceks built homes by the homestead in the southeast corner of the property.

Seconded by Hank Lauriat. All in favor; motion passed.
At 9:07 p.m. Ed McCreery made a motion to send a letter to the Mayor strongly urging him to pursue, in all due diligence, the acquisition of the Tall Farm and the Wabuda property to allow the voters at referendum to decide the propriety of purchasing the Tall Farm, the Wabuda property, and the Wiacek property, if necessary.

Seconded by Hank Lauriat. All in favor; motion passed.

15.0 Quality of Life - Executive Session - Added to Agenda

At 8:45 p.m. Ed McCreery made a motion to add to the agenda an Executive Session to talk about potential acquisition of open space. Seconded by Jim Tate. All in favor; the machine was turned off.

At 9:03 p.m. Jim Tate made a motion to come out of Executive Session; seconded by Hank Lauriat. All in favor and the machine was turned on.

In addition, Harriet said there was one property that the Commission might be interested in visiting.

At 9:14 p.m. Harriet entertained a motion by Hank Lauriat to get an appraisal on that property after a field walk. The Commission will walk it and get an appraisal of the property, Seconded by Joe Welsh. All in favor; motion approved.

9.0 Trails Committee Report - Jim

Bill Dyer reported for Tom Harbinson.

Bill reported Tom Harbinson, Terry Gallagher, Bob Wilkinson and himself met with Jim Swift last Saturday, and the issue was the Royal Wells’ Well Spring subdivision. There is a building located on the property where the open space will be. It was built by the property owner with a three car garage which has been referred to as both a garage and a
barn with no historical value. It is a nice building.

There are two options:

In the approval by PZC of this subdivision, the Conservation Commission and the Trails Committee were to look at the barn to decide if the town should continue to own it. Jim Swift showed them two different plots. There was one with the building staying and one with the building going. The original plan approved was with the building going, but the paperwork stated it could be saved.

Bill said, observing the property, as the group walked the area, they agreed there’s no benefit to the town owning this building because there is no reason to use it for storage and the town will have to maintain it.

So, the recommendation of the group is not to pursue the ownership of this building and will allow the builder to remove it, which was the original plan.

He said the property is off Sar Mill City Road and Old Stratford Road. It is a nice area with the trail and a nice turn around area. He mentioned there was a corn crib probably 100 years old on the property.

The Commission will send a letter to PZC with a copy to Jim Swift and Royal Wells stating the Commission reviewed the matter of the Trails Committee and concurred with PZC’s recommendation that the barn/garage structure should be removed, but the Commission will look into efforts to preserve the corncrib for future years at a historic site.

In another matter, Bill asked for a shed for the gator and various equipment to be put at the EMS station. He would like to buy 600 to 800 dollars of equipment. Jim Tate told him the Trails Committee should submit a formal proposal for equipment he needs, estimate the cost, get a price for the shed and bring it to the Commission. The Commission would approve it and move it forward in the process.
Then, it would eventually go to the Mayor. Bill said he would do that.

10.0 Open Space Inventory – Jim

Jim said it was done and said he gave it to Terry as a final mapping exercise. Terry had a couple of Development Rights comments. Jim’s plan is to finish this in its 100% form for the Commission’s April meeting adoption. It will be presented as a finished product, and the Commission can make comment on it and approve it.

Once the update is approved, it will be Version 3 and will be the Commission’s reference map for the open space inventory and will be the only map referred to until a new one is prepared.

11.0 Plan of Conservation and Development – Jim

Michael Adanti, former President of Southern University, Peter DeCarlo, retired civil engineer, Tony Pagoda, Planning and Zoning, Rick Schultz and Tony Panico, staff members, Tom Harbinson, Fred Mazanti, Jim Tate and Frank Ozak, chairman are members of the Plan of Conservation and Development advisory committee.

Jim declared it was a very good group with good dialogue. The meeting was started with what the charge was, the agenda, how long it was going to take, and the commitments. There was dialogue as to who should be chairman. Frank was chosen because he had been in the process before.

The meeting was started with Joe Pagliaro, Tony and Rick explaining to the group what they needed. It is an endeavor of PZC to make an update of the plan. Jim said it is a daunting challenge because they have done pieces of this plan, like the Route 8 corridor and downtown, but there are a lot of components of the community. They want the public to decide on this, not themselves. Also, where they get the data and how it will be reviewed will need to be determined.
Everyone in the group has a knowledgeable history of the City and of the concerns of the current issues in town. Jim got the impression that PZC needs this direction rather quickly as a directive from the Mayor.

The group has been meeting every other Monday from 4:30 p.m. to 6 p.m. or 7 p.m. The group will be hiring a planning consultant.

13.0 **Comments by Members**

Harriet stated the Mayor approved the Commission’s budget as was submitted, and is now in front of Apportionment and Taxation who hold a joint meeting with the Aldermen. They are reviewing all the budgets.

Jim T. gave Jimmy P. the Constitution Park map and will tell Regis to visit with Jimmy. Dean Cawthra will support the Commission on the project.

Tasks for Jimmy P. will be to follow-up on the subdivisions of Lane Street, Boehm Pond Woods, Pearmain Road, Hickory Lane, Buddington Road PDD, and Landkeepers. He will ask Rick to have new subdivisions signed in the beginning.

14.0 **Adjournment**

At 9:40 p.m. Harriet made a motion to adjourn. Seconded by Jim Tate. All in favor; meeting adjourned.

Minutes prepared by ____________________________
Anita Shortell, Secretary