Call to Order/Pledge of Allegiance

Co-Chairman Tom Harbinson called the March meeting of the Conservation Commission to order at 7:03 p.m. in Room 303, Shelton City Hall. The Pledge of Allegiance was recited.

Attending: Co-Chair Tom Harbinson, Commissioners Bill Dyer, Ed McCreery, Jim Tate, Joe Welsh

Not Attending: Co-Chair Harriet Wilber, Commissioner Hank Lauriat

Guests: Jim Swift, Susan Coyle, Terry Jones
Approval of Minutes of February 1, 2006
At 7:04 p.m. Co-Chair Harbinson entertained a motion to approve the minutes of February 1, 2006. Commissioner Dyer moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed.

Public Portion
No one asked to speak

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

Aspen Ridge Condominiums (PDD)
Jim Swift, engineer, presented the Landscape Plan of the Aspen Ridge Condominiums, Planned Development District, a new proposed project, located on Commerce Drive and Bridgeport Avenue in back of Blockbusters Video. There are two houses on the property one in back and one toward the front, both accessed through a drive-way along Blockbusters building. The property also has in the back 2 barns, an old garage, and lawn areas which extend down to the Far Mill River. There are decent size trees on the property with some 6 inch and 10 inch trees by the river. The property is in the LIP Zone (Light Industrial Park Zone). There is 2.83 acres of property.

He is proposing residential housing of 16 units with access off Commerce Drive. The garages will be in front and the backyards will face the river. There will be five units per acre.

Mr. Swift stated the highlight of the plan of concern to the Conservation Commission is public access along the river. The subdivision will have the Land Conservation Trust property on one side and a sliver of Land Trust property along the river. His proposal is to make a division from the back of the units and the river. He stated in this kind of development there is not a lot of outdoor use by residents who will be on their decks most of the time.

Mr. Swift is proposing to develop a buffer between private space and the residents and public space on the river side. He will establish a trail out in the field at some point. He walked the property and a building close to the river will be taken down. There are two nice waterfalls at the location.

The current set back in the LIP zone are 75 feet from the front and the sides are 25 feet. The requirements in the rear in a LIP zone are 25 feet. The developer is asking for 20 feet from the Land Trust property on the left. The Commission asked why would the Land Trust not appeal if the Zoning Board of Appeals grants the approval if ZBA reduces the set back from 25 feet that the existing zoning would otherwise require. Mr. Swift answered the existing plan as a PDD can guarantee river access. If it was developed as an LIP, no one would get that. The Commission stated the Land Trust on record has challenged the attempts of ZBA variances for reduced setbacks adjoining its open space, so that should be addressed.

Commissioner Tate stated in the Plan Update Commission there is an effort to keep commercial land commercial for tax reasons. The Plan Update Commission is trying to keep the tax base as high as it can, so when it is switched to residential, the opportunity for a higher tax base is given away. Mr. Swift said the developer understands that and it will be thoroughly discussed.
The Commission discussed the development of a LIP zone and a PDD including the buildings’ architecture and the traffic issue.

Mr. Smith said he will look for the Commission’s input if the land along the river will be deeded as open space or if it will be a conservation easement. The Commission suggested the developer would not disturb the vegetation along the river and the vegetation along Commerce Drive would not be disturbed and sloped properly. There should be a mix of 75% evergreen and 25% deciduous plantings. Mr. Swift said some of the junk trees along the river would be taken out and replanted with better trees.

The Commission asked what would the vista look like viewing the backyards of these houses from across the river on Mill Street. Mr. Swift suggested the Commission drive it because the existing houses are not that easily seen, and Inland Wetlands Commission will have some input on any changes.

In fishing season, the developer will build a stone wall of some height for some distinction so fishermen will not wander on the property.

Mr. Smith stated the plan will be submitted to the Inland Wetlands Commission on March 10, 2006 and should be submitted to PZC sometime this week. He assumes the hearing will be in April.

**Dining Facility near Far Mill River**

This is Royal Wells’ development of a restaurant facility on Old Stratford Road and Far Mill Crossing.

Mr. Jim Swift presented a site plan of the property saying the restaurant will be family owned and not a chain restaurant. He described the neighboring Far Mill River, City of Shelton open space, and the State of Connecticut land across the Far Mill River. The zoning is R1 with an SDA overlay. It is the old Richardson Dicks property. The plan submitted to the Inland Wetlands Commission in December. The setback to the wetlands is 50 feet and 100 feet to the river. Since this is an overgrown old farm field, walking is dense. The Commission asked if the drainage was picked up on the street. Mr. Smith described the culvert, the rip rap swell to the river and the street drainage which will be treated and processed to a channel.

The Commission liked the physical commercial scale relationship. The design layout exit ramp would be off Far Mill Crossing, and the architecture is taken from a mill concept. Mr. Smith pointed out the location of the garbage containers and said the Wetlands Commission would like to twist the location of the building to a different angle. The Commission stated if it were traveling up the river, it would not like to look at the back side of the building. It will be a single story building, but there will be a provision in the dining room for a mezzanine depending upon PZC’s ruling on parking. The proposed tenant does not want to go public at this time.

The Commission’s opinion is that the smaller part of the property which is across the river is appropriate for open space, and the location is agreeable right now.

**Pending**

None
Analysis of proposal for parcel in SL Greenway

Co-Chair Harbinson stated that this is the piece of property on Buddington Road that the City has now purchased from the UI Company. Mr. Monty Blakeman would like the Commission to look at his concept of what he would like to propose. Commissioner McCreery stated that he would recuse himself from this.

Mr. John Swift stated the owner of the property is the City of Shelton. He said the woods line of this property is the edge of the power line easement and the actual wood line is at the edge of the gas line easement which is outside the power line easement.

Co-Chair Harbinson clarified it saying the power lines towers are not on the former UI parcel. They are on Jim Blakeman’s property.

Mr. John Swift stated the developer’s proposal is to give back about an acre more than the UI’s piece total acreage. Mr. Smith pointed out the arrangement of the property’s configuration. It would be a planned resident district (PRD) as opposed to a planned development district. Some of the positives of Blakeman’s proposal would be the improved manner of access and the avoidance of the wetlands to be crossed without a boardwalk. Secondly with this configuration, there would be an access to Old Kings Highway to get to Buddington Road without crossing the wetlands. Also, the City would get its money back and acquire an acre more of open space.

Co-Chair Harbinson reminded the Commission the land was purchased for $120,001. The Commission stated it wanted a visual corridor to be used for passive recreation through there, even while there are ample power lines plus other utilities. The Commission reiterated it wanted to maintain the enjoyment of that vista, and the proposed new lots would impact that visual corridor.

Mr. Smith said regarding the visual corridor, the only visual corridor would be the power lines. The Commission stated lots 2 and 3 would be visible when they are cleared. The Commission and Mr. Smith discussed various scenarios as to how the vista could be maintained if all the lots were left on the property. Mr. Smith said regarding the pavement on the roads, there could be a 24 foot pavement and no curbs. There will be a certain number of houses with sewer service according to the WPCA, plus bringing water service down. The other houses can hook up to it at a later date at no cost.

Ms. Susan Coyle, a guest, stated no one has come back to Mr. Blakeman with a response to his plan which is a win-win situation to the town. Mr. Blakeman will fix the roads and will give the City back the $121,000, which the taxpayers would save, and if the City does not like it this way, tell them what the Commission does like. The Commission answered it likes it with the open space corridor all the way through it, like it now is.

Ms. Coyle said Mr. Blakeman would like to work with the Commission. He will give the City back the $121,000, fix the roads, and bring in the sewer line. Tell him what will make it work.

The Commission stated it is becoming more common for people to come to the Commission looking at the City open space wanting to reconfigure it to facilitate development. This means the open space is changed and is being used for a different purpose than what it was acquired or bought, which is to leave it undisturbed in its natural state with its original boundaries.

The Commission stated it does not want it developed because the road through it would visually bisect the corridor destroying the quality of the corridor.
The Commission stated the possibility that has to be considered is that there may not be a way to make it work. The land was purchased for the intent as open space whether it was deed restricted or not.

After much discussion, Ms. Coyle and Mr. Swift left the meeting.

Communications

Co-Chair Harbinson reported that communications received are as follows:

- Habitat Newsletter
- “Governing” Magazine
- A grant program sponsored by Home Depot for cities that showcase trees: “Excellence in Community Trees”
- Nature Conservancy Magazine
- Hurricane Aftermath, Parks in the New Century
- Silent Waters, Southwest Conservation District Newsletter
- Nature Conservancy Notecards

Trails Committee Report

Commissioner Dyer reported that:

- Commissioner Dyer had a meeting with the Mayor on the bridge at Silent Waters, the recreation trail and other issues. The Mayor agrees positively all should move ahead.
- The committee spoke to Dean Cawthra of the Parks and Recreation Department who did some work on the area of the dam where the bridge will be located.
- Five companies submitted bids for the bridge ranging from $23,500 to $34,500 which are within the committee’s budget. Commissioner Tate reported the low bidder was Cedar Works for $23,500, but it didn’t meet specifications. He wrote a letter to them asking them to qualify their bid based on the specifications. He gave them to 1:00 p.m. on Thursday to submit or the committee will go to the next bidder. The next low bidder filled out the form work the correct way for $26,975. Commissioner Tate has no hesitation going with them.

At 7:10 p.m. Commissioner Tate suggested a motion that the commission take the apparent low bidder but if they do not agree to the specifications, that the committee is free to go to the next low bidder and that would mean an expenditure of $26,975. It will be $3,000 more. Commissioner McCreery moved the motion. The funds will be taken out of the $75,000 grant. Seconded by Commissioner Dyer. All voted in favor; motion passed.

- Commissioner Dyer stated the committee is on the agenda for the A&T tomorrow night regarding the bridge. No other discussion on the grant.
- The contractor for the original bridge foundation is retired but is working for another engineer. That engineer was contacted and agrees to do the work. The contract has to be worked out. The fee is $3,000. It will have to be done before the bridge arrives.
- Commissioner Dyer talked to Dean Cawthra regarding the accounting for his hours of work. The committee has a 20% contribution allowance so if some of the work can be done in-kind, specifically clearing the two dams and the railings. Money can be saved by not hiring outside help. Commissioner Tate suggested to Commissioner Dyer that he track the volunteer hours because it will help with the grant application if he has documented the volunteer hours.
- The Board of Education has approved the “missing link” from the paved path to Constitution Boulevard. It has been walked with John Cook of the Inland Wetlands...
Commission and the original lines will follow the sewer lines. The clearing will be done by Dean Cawthra or volunteers.

- Commissioner Dyer submitted an extension to the Wetlands permits for Phases 1A, B, and C from Pine Lake to Route 108. That will be on the agenda IWC for tomorrow night.
- The Iroquois Pipeline Company awarded the Land Trust $10,000 for the boardwalk and the path relocation where the “end” of the recreation path will be located.
- Spencer Tate boardwalk Scout Project was submitted a Wetlands permit to include the 3 bridges for the seasonal water course crossing.
- Jim Swift has agreed to prepare a wetland permit for the entire Huntington Woods section of the recreation path from Wesley Lane to power lines.
- The committee has $60,000 for trails work for the Huntington Woods project. Bill Dyer spoke to Mr. Rick Schultz of PZC about the best way to spend the money. It was suggested to get one or more T&M contracts. If something happens, it would be better to contact a City engineer because he is under a City contract. The Commission suggested talking to the Mayor about the Huntington Woods development.
- Commissioner Tate stated he did get the $15,000 quote back regarding the fencing. The Commission discussed the possibility of various projects going to bid. Co-Chair Harbinson stated it would be appropriate if the committee spent some of the $60,000 on bids for design or specification work even if it means going for additional funding for capital improvements.

Update regarding wildlife activity

**Beaver lodge on Means Brook**

Commissioner McCreery distributed photographs he took of the Land Trust Open Space and the City Open Space where a beaver dam is located. He said it would be sad that when animals move into open space, people would want to kill them. In his walk through, despite all the beavers’ activities, the dam has not raised the water level more than six inches. Chairman Harbinson E-Mailed a letter to the Commissioners stating John Cook of the Inland Wetlands Commission commented, after his walk through with the DEP, that while the water level may rise and fall, it is not impacting any area of normal wetlands activities.

Commissioner McCreery said beavers are very unique and don’t need a special habitat to support them. If it becomes an issue, there are other places in town where they can be relocated. The Land Trust has stated they will make their land available off Route 110 on Nicholdale’s Means Brook. Also, there are mechanisms that can be acquired and installed to keep the water level down, but John Cook said the water level may be too low to use the level control device. Since it is a low small dam, the Land Trust has offered to pay for materials for a Climspoon Beaver Pond Leveling Device, which can be constructed with materials, such as PVC pipes and screens according to the Wetlands Permit. Co-Chair Harbinson stated the dam level is so low now a leveling device is not needed. We are all aware of the problem and it can be monitored. The Commission is excited about having Beavers around in open space.

Commissioner McCreery said there are three levels of observation going on:
- Conservation Commission
- John Cook, Inland Wetlands Commission
- Mayor’s office

He would like to know if the Mayor’s office and the Wetlands Commission plan a beaver “hunt”, the Commission be formally notified, consulted, and put on record of any decision.
At 8:40 p.m., Commissioner McCreery made a motion that the Conservation Commission write a letter to the Mayor’s office and Mr. John Cook, Inland Wetlands Commission, informing them that the Conservation Commission’s desire to be kept informed and consulted about any decision with respect to wildlife management of the beaver habitat along Means Book River off of the Lane Street open space property. Commissioner Dyer seconded the motion. All voted in favor; motion passed.

Co-Chair Harbinson will follow it up with an E-Mail. There is a trapping season from December 1st to March 15th. A permit is needed to trap and a property owner can contact a licensed trapper to do so. Trapping is allowed outside the season, but a special exception is needed to get an emergency permit if the flooding warrants such an action.

Response to Off Road Vehicles use on Open Space

Securing access points

Co-Chair Harbinson met with Sandy Nesteriak, Mayor’s Administrative Assistant, regarding open space and how the police enforce ORV regulations. Also at this meeting was the new chief of police, Joel Hurliman, Captain Arsenault, Alderman John Anglace, and a representative from the EMS about the open space access points where this activity is occurring. He gave each of them a copy of the website from the Town of Southington’s police department devoted to statutes from other police departments on how to enforce regulations regarding off road vehicles, which includes snow mobiles.

Signage/Posting

The ordinance will be posted on signs which will be placed on open space parcels. Sandy Nesteriak and Co-Chair Harbinson will meet to develop a sign which will be presented to the Conservation Commission for its comments. Co-Chair Harbinson described the international symbols used for ORV postings.

Enforcement Authority – BOA, Police, Tree Warden, etc

The police can enforce the regulations. If there is an emergency call on the trails, the fire department is the first responder. The police can pin point a GPS location of the emergency from a 911 call, but if the GPS location is in a land mass that is unmapped, that will be little help. Co-Chair Harbinson spoke with Regis Dognin in City Hall to have the GIS (Geographic Information System) layer for the trails be sent to the police department because the police department has a GIS mapping system that is through a service provider separate from the City’s engineering department.

If Mr. Dognin does not have the ability to have the trails mapped accurately, it may be a work project for Trails Committee members who have GPS handheld devices to map out where the trails access points are for the police department. The Commission thought that would be a great Eagle Scout project.

The Board of Aldermen are the ones who need to approve the construction of the trails, building of bridges, or any improvement on open space. The police department has the enforcement of ATV’s. The Landkeeper Program can be of help, if there is any activity on open space happening. The Landkeeper can make a note of it, take a picture if possible, and notify the police who can take the action. Regarding posting signs on trees, the tree warden will be consulted about the signage.
American the Beautiful Grant

Co-Chair Harbinson presented a letter from an urban forestry coordinator from the DEP offering any coordination needed for this grant. Co-Chair Harbinson spoke with Ron Herrick of the Parks and Recreation Department, who said there were two trees that require removal that were beyond the capability of City staff and would like the Commission to help him with that budget item. He got some quotes that were under $900.

At 8:46 p.m. Co-Chair Harbinson entertained a motion to approve $900 to be spent for tree removal on the Orchard Park which would come from the Land Improvements line item on the budget. Commissioner McCreery moved the motion; Commissioner Dyer seconded the motion. All voted in favor; motion passed.

Plan Update Advisory Committee

Co-Chair Harbinson reported the Plan Update process is progressing through the Planning and Zoning Commission at this time.

Zoning Regulations

Clear-cutting of parcels

Commissioner McCreery E-Mailed a proposed draft of the Shelton Land Clearing Ordinance for the Commission’s discussion. He said the Commission’s proposal addressed the situation in which a person wants to clear cut more than half an acre within a year.

After discussing the requiring of a survey identifying and sizing of specimen trees, it was suggested not including the tree survey concept. It should be only applied to a particular situation when it arises. The goal of the tree ordinance is to avoid a tree being taken down that is irreplaceable. Commissioner McCreery stated if the Commission will E-Mail other suggestions regarding tree regulations/surveys to him, he will look into it again.

Disposal of City Land Under an Acre

Co-Chair Harbinson stated the City ordinance requires that the Board of Aldermen receive commentary from the Conservation Commission when the City evaluates disposal of City property that is in excess of an acre. The Commission would like to amend this ordinance to include open space parcels under an acre.

At 8:58 p.m. Co-Chair Harbinson entertained a motion asking the Board of Aldermen to modify the ordinance to expand it to remove that restriction. Commissioner McCreery moved the motion. Commissioner Dyer seconded by motion; All voted in favor; motion passed.

Activities of the Open Space Committee

Fee in Lieu of payments from PZC applications

Co-Chair Harbinson reported that payments were received from the sub-divisions into lots at 227 Thompson Street and 115 Booth Hill Road. Each fee in lieu of payment will bring the Open Space Trust Account $25,000 for a total of $50,000
Update of the Open Space Plan

The Commission talked about using an independent contractor to update the plan. Several members had a discussion with the Mayor about hiring a part-time conservation agent. This would be one of the tasks that person would do. There is some movement forward on that.

Town of Monroe Open Space Plan

Co-Chair Harbinson spoke with Rick Schultz, Administrator of PZC, regarding the proposed developments bordering the Town of Monroe. Mr. Schultz contacted Monroe which sent their plan of conservation development specifying its open space. Co-Chair Harbinson’s goal is to have all of the adjacent towns’ open space development plans so when a proposed development’s plans are submitted to the Commission, it will know where the bordering town’s open space or planned open space is.

Funding of Open Space Trust Account

Several Commissioners were at the public hearing on the ordinance change which proposed an allotment of $50,000 in the annual budget to the Open Space Trust Account. The allotment for the year 2005-2006 has not been made and the Board of Finance wants to suspend that. The allotment for 2006-2007 is to be reduced to $50,000. Co-Chair Harbinson put together a history of the Open Space Trust Account and discovered discrepancies afterward referencing the audit of the City’s books. He has a meeting with Mr. Marusic, Finance Director, and Mr. John Anglace, Board Member tomorrow morning.

The Open Space Committee took a position on the change in the ordinance and thought $250,000 a year would be an appropriate allocation.

At 9:04 p.m. Commissioner Dyer made a motion to send a letter to the Board of Aldermen to make a minimum yearly $250,000 allotment allocation to the Open Space Trust Account. Seconded by Commissioner McCreery for purpose of discussion. The Commission discussed the funding proposed in the hearing they attended. Co-Chair Harbinson mentioned he would have some concern that there would be enough balance in the Trust Account to make purchases that are planned for and looking at the audit as of June 2005, the funds that have come into it there should be no problem with it. No other discussion. All voted in favor; motion passed.

Application for Purchase of Development Rights (USDA)

Mr. Terry Jones, attended the meeting regarding the purchase of development rights for the balance of the main farm area for the Jones Family Farm.

Mr. Jones stated that he attended the public hearings for the new plan of conservation and development. The invited public indicated the Shelton Family Farm was one of the top three areas to remain undeveloped. People attending several events have told him how precious the Family Farm is to the community. He stated it was time to submit an application.

Co-Chair Harbinson said Charlene DeFilippo in the Shelton City Hall did contact the USDA regarding the upcoming grant application for federal funds to be used for farm preservation who told her that any day it would be posted on the federal register. Mr. Jones contacted the USDA who said it was sent to Washington and the program has not been posted, as yet.

Mr. Jones filled out the application for the City of Shelton program. A grant from the USDA has to be obtained for partnering in funding. There is usually 90 days to submit a grant. The City writes
the grant to the USDA. The USDA contribution does not exceed 50% of the value of the rights. Last summer the USDA did a detailed soil survey and remapped the farm.

The funding the federal government is allotting to Connecticut 3 million dollars. The grant from the USDA does have a limitation that no more than 25% of the value can be donated.

At 9:32 p.m. Commissioner McCreery made a motion that the Conservation Commission authorizes the Chairman to obtain the necessary number of appraisals to get the process going for the application for the sale of development rights by the Jones Family Farm in the event the opportunity arises before the next meeting to apply for a federal grant. Commissioner Tate seconded the motion. All voted in favor; Motion passed.

Co-Chair Harbinson stated this is in line with the application they have made for the Shelton Family Farm program for farm land preservation.

**Quality of Life – Possible Executive Session**

At 9:32 p.m. Co-Chair Harbinson entertained a motion to go into executive session for the purpose of discussing land acquisition. Commissioner McCreery moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed. The machine was turned off.

At 10:00 p.m. Co-Chair Harbinson entertained a motion to come out of executive session back into regular session. Commissioner McCreery moved the motion; seconded by Commissioner Tate. All voted in favor; motion passed. The machine was turned on.

Co-Chair Harbinson stated the only action taken in executive session was the Commission asking him to check with the Mayor regarding the piece of property discussed in executive session.

At 10:01 p.m. Commissioner McCreery made a motion to authorize the Chairman to encourage the Mayor to enter into negotiations for purchasing open space land along Route 110. Commissioner Tate seconded the motion. All voted in favor; motion passed.

Co-Chair Harbinson stated the Quality of Life List and Letter to Landowners will be addressed in the next meeting.

**Natural Resources Manager Position**

Co-Chair Harbinson has met with Mayor Lauretti emphasizing all the efforts made by all the volunteers and the need to have a staff person. Co-Chair Harbinson has a meeting with the Mayor on March 21st at 11 a.m. If members of the Commission can make that time, it would be beneficial.

**Comments by Members**

Commissioner Dyer stated a gate is needed on Old Kings Highway just beyond the first driveway. People are dropping off trash there.

At 10:03 p.m. Commissioner Dyer made a motion to acquire another gate to block off Old Kings Highway. Commissioner McCreery seconded the motion. The standard design will be used as on the other open space properties. Commissioner Dyer will talk to the Trails Committee members in relation to the gates. All voted in favor; motion passed.
Co-Chair Harbinson stated the cost will come out of the line item for Land Improvements. Currently the balance in that account, as of February 16th, is $7,800 out of an $8,000 budget. The cost of one gate is $650.

**Adjournment**

At 10:06 p.m. Commissioner McCreery made a motion to adjourn. Motion seconded by Commissioner Dyer. All voted in favor; meeting adjourned.

Minutes prepared by Anita Shortell, Clerk