Shelton Conservation Commission Minutes  
April 6, 2005  7:00 p.m.  

These minutes will be approved by the Conservation Commission at the next meeting on May 4, 2005.

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1.0 Call to order/Pledge of Allegiance  
The April meeting of the Conservation Committee was called to order at 7:13 p.m. by Co-Chmn. Tom Harbinson and the Pledge of Allegiance was recited.

Attendees: Co-Chmn. Tom Harbinson, Co-Chmn. Harriet Wilber, Commissioners Ed McCreery, Joe Welsh, Bill Dyer, Conservation Agent Jimmy Pjura

Not Attending: Comm. Hank Lauriat, Comm. James Tate

Guests: Nancy and Irving Steiner, Pat May

2.0 Approval of Minutes of March 2  
At 7:16 Co-Chmn. Harriet Wilber made a motion to approve the minutes; Comm. Bill Dyer seconded the motion. All in favor; minutes approved.

3.0 Public Portion  
Mr. Irving Steiner, 23 Partridge Road, Shelton: He came to discuss the cutting of trees on the Wellspring Estates subdivision and how PZC is addressing this issue. Agent Jim Pjura said the developer cut down trees that were over the sewer easement. To replace
these trees, there is a plan to plant evergreen trees along the right-of-way on the sight line; however, evergreen trees are not suitable for planting on the sight line. In response to this violation, a stop work order was issued by the City Engineer citing several items such as: the Tree Warden had not approved the plans for replanting, evergreens are not permitted in the right-of-way, the proposed plan created site line restrictions at the intersection which is a violation of ordinance, and the plan needed to be revised to meet the satisfaction of the Tree Warden, the City Engineer and PZC.

No trees in the right-of-way were cut down.

Irving Steiner stated that the PZC declared the tree cutting was illegal and so informed the developer and asked how he was going to address it. Mr. Steiner was concerned about the specifications for the replacement trees as to type and size and proposed that he get a signed petition from the immediate neighborhood stating their needs for this remediation if he deems this necessary. Co-Chmn. Harbinson recommended Mr. Steiner work with Jim Pjura, the Tree Warden, the City Engineer, and PZC so they can get an appropriate supplemental plan.

In conclusion, Mr. Steiner also commented that We R-1, of which he is the founder, would like to see all developers treated on a “level playing field”, in a uniform manner, when issuing penalties for violations.

Pat May, 38A Birchbank Road, Shelton: Ms. May stated that her home is located next to a city right-of-way which exists to allow the public access to the Housatonic River which flows at the back of her property. The lot is located north of the Housatonic Well Fields. When she began building her house, the right-of-way was overgrown with brambles, it had a cliff-like area where children were getting hurt, it would collect garbage and it was unsightly. The actual open area was getting narrower and cars would have to drive on some of the opposite neighbor’s property when accessing the river.

During construction at her home some neighbors asked her to clear this area up and she agreed, but now she has been cited by John Cook, Inland Wetlands Enforcement Officer, for unauthorized activity on a wetland soil. The purpose for her visit tonight was to get some suggestions as to plantings and ground cover, i.e., grass, wildflowers, creeping junipers, etc.

Agent Pjura will take some pictures for our next meeting so we can make some possible recommendations and he will discuss the issue with John Cook. This commission may possibly offer assistance with the expense for remediation.

4.0 Report of Jim Ryan- Enterprise and Commerce Park
Jim Ryan was unable to attend the meeting. He did write a letter describing the “Tribute Walk” which the SEDC is trying to establish in the downtown revitalization area and requested funding to help assist with this project. Initially, this project will cost
$5,000. This will be a tribute to leaders in the community such as Alford Plumb, Joe Pagliaro, etc. It will be located to the left of the War Memorial and continue down along the river along Canal St.

It was suggested that we continue this conversation at our next meeting when Jim Tate will be able to give us some input as to what should be done.

Co-Chmn. Wilber reviewed the budget with the commission in order that the members know what funds remain through July.

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<tr>
<th>Services</th>
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<tr>
<td>Other outside services</td>
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<td>Land improvements</td>
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<td>Program Development</td>
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Comm. McCreery made a motion to table this discussion until the next meeting for appropriate input from Comm. Tate and Jim Ryan (SEDC). Comm. Joe Welsh seconded the motion; all in favor. Motion passed.

Co-Chmn. Wilber made a motion to add Communications to the agenda. Motion seconded by Comm. Ed McCreery; all in favor. Motion passed.

4a Communications
- PZC minutes dated March 14
- PZC minutes dated March 22
- Newspaper article re Terry Jones and lawmakers joining to announced a 5 year $50 million plan to preserve farmland
- Brochure on the USDA Farm and Ranch Land Protection Program
- Letter from the Mayor seeking support for the Barnum Festival
- Shelton Historical Society’s “Good Ole Days” presentation by four long-time Shelton residents, including Phil Jones
- College of Agriculture and Natural Resources Journal
- HVA 2004 Annual Report
- The Nature Conservancy Magazine
- “Soil and Water” Brochure from Southwest Conservation District

5.0 Discussion with Attorney Thomas Welch re the “Conservation Easement Ordinance”
Attorney Welch was unable to attend the meeting.

6.0 Subdivisions
Woods at Lake Road – Phase II, Tree Preservation – Agent Pjura
We are waiting for the actual plan for Phase II. Agent Pjura will report the progress next month. He will focus on the layout of the trees to remain in the subdivision.

CRD 5 Lot Subdivision – Robert’s Place – Wabuda Place
There will be a public hearing on April 25. The commission reviewed the
drawings dated March 11 for a conventional layout and a CRD layout. Total acreage for this subdivision is 8.1 acres. The conventional layout shows 5 lots and fee in lieu of in place of open space. In the CRD layout there are 5 lots with a lot squeezed in the rear and the designated open space is all wetlands and/or under the power lines.

Comm McCreery made the following motion: This commission does not believe the underlying conventional subdivision would be approved as it immediately assumes fee in lieu without taking into account the need for open space in the immediate area that would combine with the attributes of the Toll Brothers subdivision. When open space is given in the CRD proposal, most of it is wetlands which would not be qualified open space. In essence, they are perverting the intent and purposes of a CRD layout which is to maximize the open space available to the community at-large. Therefore, Conservation Commission approval for this CRD proposal is denied. Further, the application does not qualify as it does not contain the minimum 10 acre requirement of a CRD proposal and is, therefore, rendered null and void. Motion seconded by Bill Dyer. All in favor.

Decision was made to have Agent Pjura be our advocate and attend the public hearing on April 25 to explain our position especially about the assumption that was incorrectly made that fee in lieu of would be acceptable in the conventional layout and further that the application does not qualify as it does not meet the 10 acre minimum of the CRD regulation. In addition, the designated open space in the CRD does not meet the regulation of acceptable open space.

Split Rock Development – Old Stratford Road – Update
Comm. McCreery recused himself for this discussion.

Regarding the issue of the adjacent City land which the developer, Monty Blakeman, wanted to purchase, the City Engineer discovered that the city does not, in fact, own the parcel. The State owns that parcel and had never turned this right-of-way over to the City when the Old Stratford Road was reconstructed during the rework of Rt. 8. Therefore, on March 24 the City Engineer wrote a letter requesting that the State sell this parcel to the city. No further action can be taken until the State responds to the city’s request.

The City Engineer stated that the developer really does not need this parcel for his parking lot.

The position of this commission is that we like the natural vegetated buffers of the right-of-ways which exist along Bridgeport Avenue as they define the character of our neighborhoods and we would like to see that continue in this area.

The developer felt that if the State should sell this land to the City, the City
would benefit by selling it to him as he would then pay taxes on the land and maintain the parcel.

**Avalon Bay I (Cranberry Bog) – Affordable Housing Development Environmental Study**

Agent Pjura reported that Inland Wetlands Commission had a public hearing on March 2 and nothing had been defined. Co-Chmn. Harbinson stated that an environmental study was needed, the Board of Aldermen had approved funds for such a study and we now need to know who should do the study and who is going to prepare the specifications for this study.

Irving Steiner, as an intervener, wanted the Inland Wetland Commission to request Avalon developers do an environmental study on Avalon but they refused on the basis of the time required to do the studies of the vernal pool, wetlands, etc. The ecologist, hired by We R-1, had defined this study as necessary to determine the full impact of this development on the bog.

The opinion was expressed that, when an application for affordable housing of this magnitude is presented where the developer is entitled under the statute to circumvent the local regulations, the rules of the planning and zoning regulations change. The municipality, in particular each land use board, has to become “proactive” and hire independent experts immediately to rebut what the developer’s expert says in order to protect the municipality. Wetlands should have hired an expert for the (1) hydrology issues such as direction of runoff is going, the quantity, the volume, and damage to the vernal pools and (2) an ecologist. Shelton has passed the IWC public hearing stage and it is now too late for wetlands issues.

Many other towns have engineers on retainers and outside consultants and these are experts who can be called upon to assist and critique an application immediately without having to take the time to hire experts on an individual basis.

Now is the time for Planning and Zoning to hire an expert engineer to handle issues such as traffic, ingress and egress, density of buildings, etc. and to rebut the statements of the developer's experts and identify the risks of such a development to the citizens of Shelton.

Avalon Bay 2 is not affordable housing; they are asking to request a new multi-family district zone to be applied to this specific area of the town.

**Any Pending - None**

7.0 **Request to Sell Lot 29, Map 107, River Road – Co-Chmn. Wilber**

There were pictures of this lot included in our packets of information for the meeting. This lot, located on the river, is 3.89 acres and it is gorgeous. The city acquired this parcel for back taxes and when it was acquired, the Mayor...
Chmn. Wilber made a motion that we strongly recommend that the City retain ownership of Lot 29- Map 107. This property serves as a valuable asset to our open space inventory and is located directly on the river. The remnants of the historic structure of the old trolley bridge abutment are located on this parcel and should be preserved as part of the history of the City. It would be outrageous and ridiculous for the city to even consider parting with this piece of land.

Chmn. Welsh seconded the motion. All in favor; motion passed.

8.0 Cutting of Trees on State Property – River Road – Chmn. Jim Tate, Chmn. Tom Harbinson
Chmn. Harbinson reported that John Cook, in conjunction with Tom Welch, has sent out certified letters to all the parties involved including the DOT, DEP, the developer, the landscaper, etc. to subpoena them to respond to this violation and tell what they did or did not do. The tree service was acting as an agent for the developer; the developer was doing work on State property, and the DOT, if they had done the work, would have gone through a different procedure. There are many legal ramifications and nuisances in this issue but in the end the developer will have to pay a penalty. This was blatant activity.

Agent Pjura was instructed to follow this issue closely.

9.0 Trails Committee – Chmn. Bill Dyer
(a) Parks and Rec. did get the Abbey Wright parcel cleaned up and now Chmn. Dyer plans to install 3 fence posts, 2 of with two removable sections which will have the normal locks for access by town vehicles. His goal will be to remove the rusty fence which exists presently with this new one. The important issue is that we have an Eagle Scout doing a lot of work on this parcel and we need Public Works to dig a ditch as soon as possible along the right side of the road to improve the parcel because the parking area is swampy.

(b) National Trails Day is June 4 and a four mile hike starting at 10:30 from the Pine Lake bridge is planned. It will end at Webster Bank. This will be rated as a “moderate hike” along the Rec Path. Chmn. Dyer will coordinate acquisition of a new banner announcing this event and will be reimbursed for any expenses he incurs.

Regarding this event, it was recommended that Chmn. Dyer contact the Connecticut Forest and Park Association as they might be interested in becoming familiar with our trail system and also have the SEDC put this information in their quarterly report for publicity. Another interested group would be the Shelton’s EMS people as they might like to familiarize themselves with our trail system, where it goes, and the type of terrain they would encounter should they be needed for an emergency.

(c) The Turkey Trot Trail kiosk and bridge scout project is underway.
Co-Chmn. Wilber inquired if we are now at a point in the development of the trail where we could have the whole system professionally engineered. Chmn. Dyer responded we are very close - “one piece of property away from completion”. There are funds from LOCIP which are available and this might be a good way to use them. We will need to prepare a proposal detailing this work and give it to the Aldermen for approval. Due to work overload on the members of the Trails Committee, it was recommended that we hire an outside consultant who is qualified as a landscape architect and would have engineering with ADA requirements expertise to prepare the proposal for Phase II. The issue before the commission is: do we complete another chunk of Phase I or do we pick up a new segment and begin to design it?

Bridge over Silent Waters Dam: There is funding from a $49,000 grant which we won to construct the bridge and railing along the dam top which the city has not processed and released. Chmn. Dyer requested that Conservation contact Sandy Nesteriak and request the release of these funds which are being held by the grantor.

Woodchips on power line crossings: This is a scout project and they will begin work on this project shortly and employ the gator. Requests for additional scout projects are beginning to be sent to Chmn. Dyer and he will be addressing them in the future.

Chmn. Dyer will solicit proposals from several sign companies for trail marking signs.

The next work party will be April 16 over at the Huntington Wood section. Because they are making such good progress, Co-Chmn. Wilber recommended Trails put their future plans on paper, write up the specifications and she will have it submitted for approval.

Agent Pjura included in his report pictures of a parcel located on Platt Road which presently provides a buffer for a planned car wash and he would like to know if we could preserve this parcel. This situation is similar to the buffer along Old Stratford Road at Split Rock. Co-Chmn. Harbinson suggested Agent Pjura contact Rick Schultz, express his concerns, and inquire what landscape plan has been proposed for this site which will, hopefully, be in keeping with other buffers along Bridgeport Avenue corridor.

Agent Pjura did not receive any new subdivision plans from Rick Schultz.

Tom Welch has requested Agent Pjura go to the Nature’s Way subdivision and measure the conservation easement at that site and report his findings about conforming to regulations.

Agent Pjura submitted an article to the Huntington Herald soliciting volunteers to join the Landkeepers Program and is waiting for responses. It was suggested that the next
time he submits the article he include more details of the responsibilities required.

Agent Pjura met with the DEP fisheries biologist Bob Orcieri regarding stocking the area reservoirs and ponds. Since the weir has been installed, Silent Waters is now 3 feet deep and now has large trout living there but will not be stocked by the DEP; nor will Pine Lake be stocked. On March 30 Indian Well, Far Mill and Means Brook were stocked with brook, rainbow and brown trout up to 12 inches. Perch, bass and pickerel are stocked in ponds. Walleye will not be stocked in Shelton at this time.

Richard Cranston, a member of the Pine Rock Park Association, met with Agent Pjura to discuss the possibility of purchasing city open space in the Pine Rock area for purposes of recreation. Agent Pjura will provide a detailed report of this proposal at next month’s meeting and a letter will be prepared at that time.

Agent Pjura plans to meet with Kimberly Supersano of 22 Mayflower Lane to review her landscaping plans and make sure they do not infringe on the open space which abuts her property. This also includes her play space for her children.

Agent Pjura will oversee the project Scout David Dickovic has planned for a pocket park at Exit 14.

There is another pocket park which was a playground (Open Space 38, Map 7) located between Orchard Street and a fence along Rt. 8. It does have a basketball hoop but it is seriously overgrown with vegetation. Co-Chmn. Harbinson recommended that Agent Pjura offer this area as a project to be remediated to the scouts. This would be an ideal location for the America the Beautiful grant proposal that Ms. Randy York would like to undertake.

Charlene DeFlippo inquired about the status of open space funds and grants.

At the May meeting Conservation Agent Pjura will report on his findings about the energy saving vehicles which the Mayor asked him to investigate.

Co-Chmn. Wilber requested Agent Pjura encourage the Huntington Herald to contact Marilyn Gannon to get information on the changes in the recycling procedure (they can now accept glossy print, junk mail, etc. minus your names/addresses) and about recycling heavy duty cardboard and put an article in the newspaper informing the public and giving recycling more publicity.

11.0 PUAC (Plan Update Advisory Committee) – Comm. Jim Tate, Co-Chmn.

Co-Chmn. Harbinson reported that at the last meeting Planemetrics sorted out some credits, changes and modifications to their contract. They are working on the draft plan and so far Co-Chmn. Harbinson has received a report on trends and conditions which shows analysis of demographics of the student population, etc. This will be discussed at their next meeting. Funding is in place for this project.
12.0 Update of Open Space Plan – Co-Chmn. Tom Harbinson
Right now the goal is to formulate an informal group to rewrite the Open Space Plan. The volunteers so far are: Co-Chmn. Wilber, Co-Chmn. Harbinson, Comm. McCreery and Comm. Welsh. It is anticipated that Theresa Gallagher will also commit to this effort. It is proposed that this committee meet one hour before the regular Conservation meeting to begin the process.

13.0 DEP Open Space Grant Application – Agent Jimmy Pjura
We did not get the grant to purchase the property on Buddington Road but the DPUC did inquire if we were still interested in the parcel as the property is still available.

15.0 Quality of Life – Possible Executive Session – Co-Chmn. Harriet Wilber
At 9:32 p.m. Co-Chmn. Harbinson made a motion to go into Executive Session to discuss land purchases. Motion seconded by Comm. Welsh. All in favor; the tape machine was turned off.

At 10:13 p.m. Comm. McCreery made a motion to come out Executive Session. Motion seconded by Comm. Dyer. The machine was turned on and the meeting continued.

Comm. McCreery made a motion to pursue an open space grant for the purchase of the property called Above the Overlook in the amount of $25,000. Comm. Dyer seconded the motion. All in favor; motion approved. Agent Pjura will work with Charlene DeFlippo to prepare this grant. The grant deadline is May; decision is expected in the fall of 2005.

Comm. McCreery made a motion to write a letter to the Mayor stating the Conservation Commission would like to go on record supporting you in your effort to acquire the entire Tall Farm property as we recommended in our January meeting. Motion seconded by Comm. Welsh. All in favor; motion passed.

Co-Chmn. Wilber reviewed all the line items for this year. The budget will be the same for next year with focus on the completion of the Recreation Path. No amount of money was proposed for the Open Space Trust Fund in the Mayor’s budget for the year 2005-2006.

Co-Chmn. Harbinson suggested we write a letter to the Board of Apportionment and Taxation requesting clarification of the discrepancy we perceive between the budget proposed not funding the open space account and the ordinance calling for reimbursement of the Open Space Trust Fund in addition to new funding. There is a clear need for open space acquisition to go forward for the City of Shelton to maintain its quality of life due to the influx of on-going development. It is imperative that funds be available so that when we have an expenditure, the funds are ready to go. The Mayor should be copied on the letter.
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Comm. McCreery proposed the letter to the Board of Appropriation and Taxation with a copy to the Mayor as follows: We would like to bring to your attention the Conservation Commission’s extreme concern over the plans to not fund the Open Space Trust Fund during the fiscal year 2005-2006. This is a direct violation of City Ordinance #700 which requires a specific amount be appropriated. The ordinance calls for reimbursement of previous open space purchases into the Open Space Trust Fund in addition to new funding. The Conservation Commission would like to point out that the continuing need to preserve open space is paramount to our ever-expanding city. As development continues to increase with no end in sight, it is critical that we protect our quality of life. The recent referendum appropriations by the residents show a strong desire and propensity to continue the acquisition of open space, but those appropriations should not be seen as replacement for the need to maintain what in essence is a war chest for the city acquisitions. We must maintain the ability to react in a proactive fashion and be able to move quickly to acquire potential parcels that may become available, especially those adjacent to existing parcels or to acquire key parcels as targeted in our Open Space Plan.

One-time acquisitions such as the Wiecek property during the fiscal year 2005 should not eliminate the need to maintain the continued funding of the Open Space Fund. As set forth in City’s Open Space plan, our work is not done yet and there is a lot more to be done. If you have any questions about the parcels that we and the City have targeted for continued acquisition, we would be happy to make a presentation to your board. This is absolutely the wrong time for City of Shelton in its ever-increasing development to cut short the funding for this critical component in our quality of life.

Comm. Dyer made a motion to accept this letter; seconded by Comm. McCreery. All in favor; motion passed.

16.0 Full Time Natural Resource Manager Position – Possible Executive Session – Co-Chmn. Harriet Wilber
We now have the go-ahead to offer this position. Co-Chmn. Wilber will review the job description with personnel prior to it being advertised in the media. This commission will then have to interview the candidates.

17.0 Comments by Members
Comm. Dyer reported that trees are being cut down by beavers along the Far Mill River and a dam has been built. Beavers are protected so they cannot be removed. “Beavers in Shelton!! That’s natural and that’s cool!!!”

A recommendation was made to have this commission draft a letter to large property owners in Shelton informing them of the various programs, funding and benefits available to them to preserve their land. Ed McCreery and Joe Welsh will prepare this letter.

18.0 Adjournment
At 10:30 p.m. Comm. Welsh made a motion to adjourn. The motion was seconded by Comm. McCreery. All in favor; meeting adjourned.

Minutes prepared by: Marybeth Banks