City of Shelton Conservation Commission
Meeting Minutes for
May 4, 2016

Members Present: Tom Harbinson, Sheri Dutkanicz, Pat Gajdosik, Jim Tate, Joe Welsh, Bill Dyer, Ed McCreery (arrived at 7:16pm)

Also present: Teresa Gallagher, Natural Resource Manager; Terrance Gallagher, Trails Committee.

1. The meeting was called to order at 7:10 pm.

2. Meeting Minutes: Bill Dyer made a motion to approve the April 6, 2016 meeting minutes. Seconded by Jim Tate. All were in favor.

3. Public Portion – for items not on the agenda: No one wished to address the Commission at this time.

4. Trails Committee Report. Bill Dyer summarized the Trails Committee meeting that immediately preceded the Conservation Commission. See the Trails Committee’s minutes for more information about that meeting.

5. Review of proposals before the Planning and Zoning and Inland Wetlands Commissions:

   a) Bridgeport Avenue Shelter Ridge Associates, LLC, P&Z #16-8, PDD Step #1 site plans, 122-acres bounded by Mill Street, Buddington Road, and Woodland Mobile Home Park, zoned Light Industrial. Map 50 Lot 9.

Conservation’s letter (attached) was sent to the Planning and Zoning Commission before the April 27th Public Hearing, although it was not brought up during the hearing. Tom Harbinson attended the meeting, along with several other members of the Conservation Commission, and signed up to speak. He contacted Rick Schultz and indicated he would like to have time to do a presentation, perhaps a Powerpoint.
Aldermen Lynn Farrell entered the room at 7:25 pm. She received emails from residents telling her about an ‘urgent’ meeting with Conservation, although it appears they were confused. Aldermen Farrell said she’s been on the Board a long time and has never seen so many people so upset over an issue before.

6. **Budget Status:** Chairman Tom Harbinson attended the Board of A&T Budget Workshop on behalf of Conservation.

7. **Communications:** Notice of annual meeting from CFPA.

8. **Comments by Members:**

   a. Joe Welsh said that Mary Ellen Lemay spoke at the Land Trust’s annual meeting recently about larger scale, regional conservation efforts. The next meeting of the Fairfield County Regional Conservation Partnership (FCRCP) was scheduled for May 5 at the Highstead Arboretum in Redding.
   
   b. Ed McCreery found old photos of the Shelton Canal and Locks, and has emailed Jim Oram of the Citizen’s Advisory Committee.
   
   c. Bill Dyer said he was recently in Cooperstown, NY, and between 2013 and 2015 they installed 37 rain gardens along with porous pavement for stormwater quality. How can we get something like that going here in Shelton?
   
   d. Tom Harbinson said they don’t expect many peaches in Shelton this year due to the Valentines freeze.

The Commission adjourned at 7:47 pm.

*Meeting minutes were prepared by Teresa Gallagher and should be considered in draft form until adopted at the next meeting. Audio tapes of the meeting are on file in the Town Clerk’s office.*
April 27, 2016

Ruth Parkins, Chair
Planning and Zoning Commission
54 Hill Street
Shelton, CT 06484

RE: Towne Center at Shelter Ridge PDD Application #16-8 Step One
Bridgeport Ave., Mill Street, and Buddington Road Map 50 Lot 9

Dear Ms. Parkins:

The Conservation Commission and Trails Committee urge the Planning and Zoning Commission to deny the proposed Shelter Ridge application.

The proposed PDD would undo a quarter century of exhaustive planning, documentation, and fieldwork performed by countless volunteers and city officials to preserve a scenic greenway corridor through this area for Shelton’s residents, and jeopardize substantial investments made by the City.

Our recommendation is based on the following considerations:

1. Greenway Development Goals: Shelton’s award-winning greenway program has resulted in the strategic acquisition of open space properties to form contiguous greenbelts in which the total is greater than the sum of the parts. Our residents are proud of these natural areas and the recreational opportunities they afford, providing balance for a growing city and enhancing our quality of life.

These proposed greenways, or greenspace corridors, were first identified in Shelton’s Open Space Plan of 1993 and refined in the Open Space Plan of 2009, adopted by the Board of Aldermen and the Planning and Zoning Commission.

Two of these greenways meet on the Shelter Ridge site. The Shelton Lakes Greenway encompasses most of the property west of the powerline corridor, while the Far Mill River
Greenway runs parallel to Mill Street. Linkage of these two greenway corridors increases the value of each for both recreational opportunities and wildlife value.

Under the Open Space Plan, “Private land located within one of the conceptual greenways is of special interest to the Conservation Commission. The land will receive a higher rank for open space acquisition, and the Commission would have an interest in reviewing applications for any site developments, variances, and wetland activities that might impact the open space corridor.”

As such, we have reviewed the terrain and walked the site, and find there is a low ridgeline that can reasonably be used to separate economic development along Bridgeport Avenue from the Shelton Lakes and Far Mill River Greenways delineated in our Open Space Plan.

Economic development of the site can coexist with greenway development so long as this ridgeline is respected. The site plan currently before the Commission does not respect this ridgeline, but instead uses it as a base for intense site development at this sensitive location.

Although the proposal shows an open space dedication of 20% of the site, that open space consists almost entirely of undevelopable portions of the site including steep slopes, wetlands, disturbed areas, fill slopes, and utility lines. These areas have little recreational value to residents and would be overshadowed by the new construction a few feet away.

For comparison, the Huntington Woods development on Wesley Drive, for which 210 condominiums were originally proposed, was withdrawn and resubmitted with 70 clustered homes, 53% of the site dedicated for open space (including a viable route for the Shelton Lakes Recreation Path), and the developer agreed to place $60,000 in escrow to be used to build the Rec Path. Twenty years later we have a desirable subdivision and a popular trail enjoyed by the entire community.

2. Old Kings Highway Open Space and Old Kings Highway (road): In 1994, the City of Shelton acquired a 16-acre property which had been earmarked for open space acquisition due to its scenic character and location within the Shelton Lakes Greenway.

The property was purchased only after commencing eminent domain proceedings in order to prevent a high density residential development. This open space, which was deemed so inappropriate for residential development that the City felt the need to seize the property, is located within 50 feet of the fill slope for the tower in which there would be 450 apartments. Precedent has been set for this location and there is no reason to reverse course and jeopardize the City’s open space investment.
The Old Kings Highway Open Space is somewhat landlocked with marginal public access. It is located within a valley or hollow through which a stream flows, spilling down the hillside in a series of scenic waterfalls. Due to the topography, one does not hear the sounds of passing cars, only running water.

In 1994 the Open Space Committee published, “Report for the Old Kings Highway Proposed Open Space Area,” in which the Committee argued for preservation of the property: “It will provide a critical linkage between the Far Mill River and Shelton Lakes Greenways and will permit the extension of the Blue Dot Trail through this section of the City.”

Running along the border between the open space and the Shelter Ridge site is a scenic old road lined with stone walls. Old Kings Highway dates back to pre-revolutionary Connecticut, when it crossed Shelton from the Far Mill River to the downtown area. It is the best remnant of an early colonial road left in Shelton (the road is shown as already obsolete in a map from 1867). In 2009, the Community Resources Inventory Committee designated this section of Old Kings Highway as Scenic.

This scenic hollow, with its waterfalls and colonial road, has been earmarked as a future destination point for travelers along the greenway. The scenic value of this valley is derived not only from its beauty, but from the peaceful illusion of wilderness. Any development along the rim of this valley (the ridgeline) will degrade the entire valley.

3. The Paugussett Trail
Also known as “the Blue Dot,” the Paugussett Trail is an important part of Shelton’s heritage and tradition. Many older Shelton residents have fond memories of hiking the trail, often with Boy Scout troops, until it was cut off by new construction in the late 1960s. It was originally constructed in the 1930s by crews with the Civilian Conservation Corps (CCC), a work program of the Great Depression. It is part of a state-wide network of “Connecticut Blue-Blazed Trails” totaling over 800 miles that are managed by the Connecticut Forest and Park Association (CFPA). The Paugussett Trail originally ran from Lake Zoar in Monroe through Indian Well State Park, and down through the Old Kings Highway property next to the Shelter Ridge site. From there it continued on to Roosevelt Forest in Stratford, with a major branch heading down the Far Mill River to Route 110. The trail south of Indian Well was officially abandoned by CFPA by 1970 after subdivisions were built over the route.

For many years, the City has worked diligently to restore this historic trail back to the Stratford border at the Far Mill River. A partial timeline demonstrates this investment of time and money:

1993: The trail restoration is included in the Open Space Plan
1994: A report on the proposed Old Kings Highway Open Space declares it would be a destination for the Blue Dot Trail.

1997: The FOCUS group formed to promote acquisition of surplus water company properties says the Blue Dot restoration is one reason for purchasing Shelton Lakes and Old Kings Highway.

2003: The City purchases the Indian Well Overlook property with a DEP grant with the stated purpose of extending the Paugussett Trail.

2005: A second Indian Well Overlook property is purchased with a DEP grant. The City’s letter to the DEP states, “The main function of this acquisition is to serve as a linkage of the Blue Blazed Trail System connecting Monroe to Shelton and Stratford.”

2007: The City purchases the United Illuminating property north of Buddington Road for the purpose of restoring the Paugussett Trail.

2008: Shelton receives an award from CFPA for “vision and perseverance in developing a town-wide trail system...and continue their invaluable effort to restore and extend the Paugussett Trail from Indian Well to the Stratford Town Line.”

2009: The newly revised Open Space Plan states, “The next goal is to extend the Paugussett Trail along the Far Mill River to the Stratford town line.” The trail is also shown on the Open Space Map.

2012: CFPA officially recognizes six miles of newly restored Paugussett Trail between Indian Well State Park and Buddington Road. The effort encompasses years of trail building and multiple Eagle Scout projects. Note that only CFPA can recognize a new trail section, not the City of Shelton, and it can only be done if it meets criteria for a scenic trail.

Many other properties along the trail route were purchased through the years to provide a permanently protected route for the trail. The City has been steadfast in its efforts to restore this trail.

The Trails Committee Chairman, Bill Dyer, has met with the property owner of the Shelter Ridge site over the last several years to identify a reasonable route for the trail. The proposed apartment tower sits directly on top of that route.

At its April 2016 meeting, the Shelton Trails Committee approved a motion that included the following:

*After review of the plans and walking the various routes the Trails Committee Does Not Support the open space and trail routes as shown on the applicant’s plans. There is enormous clearing, grading and development immediately adjacent to the open space, which detracts from anyone ever wanting to use the Paugussett Trail or visit the Old Kings Highway open space. The route the applicant has shown is not practical or desirable for us to accept for resident’s use. We recommend that the PDD plans be denied and any future project be scaled back to preserve a*
more suitable trail and greenway corridor that is acceptable to the City and which is more consistent with the City's long term greenway goals.

Connecticut Blue-Blazed Trails are 'higher level' regional trails and therefore expected to be scenic in character. In the case of Shelter Ridge, a scenic trail corridor can be maintained by not building on the ridgeline.

4. Mill Street Scenic Road
On November 9, 1993, the Board of Alderman unanimously passed Ordinance #660 “Mill Street as a Scenic Road.” This was the first road in Shelton so designated due to its highly scenic and historic character. The ordinance details the reasons for it being designated as a Scenic Road:

1. The highway is bordered by mature trees and stone walls.
2. The highway offers scenic views.
3. The highway parallels the Far Mill River for its entire length.
4. The travelled portion of the highway is generally no more than 20 feet in width.
5. The highway blends naturally into the surrounding terrain.
6. The abutting property does not contain any commercial development.

The tallest building of the Shelter Ridge proposal, a modern nine-story tower, would become the most prominent feature along half of Mill Street. We would like to stress that the applicant is not only building on the top of the hill, but making the hill taller with fill as much as thirty-five feet deep. The building is therefore even higher relative to the surrounding terrain than the number of stories it includes.

5. Far Mill River
The Far Mill River runs parallel to Mill Street and visual impacts along this scenic river will be the same as those described for Mill Street. The river is used for recreation by trout fishermen (the river is stocked by the CT DEEP) and by advanced kayakers, who put their kayaks in on Mill Street at the Gristmill Trail Open Space and boat down past the proposed development to Route 110. According to the American Whitewater Association, this 3-mile stretch of water has Class IV waterfalls and rapids.

This river forms the core of the City of Shelton’s Far Mill River Greenway. Conservation lands below the project site are held by the City of Shelton, the State of Connecticut, and the Shelton Land Conservation Trust, attesting to the value of this corridor for conservation purposes. We have also had the Far Mill River Association, Trout Unlimited, and the Housatonic Valley Association working in this corridor to improve the watershed.
Stormwater coming from the new development will have a high potential to impact the river. There are indications that water quality is decreasing in the river, which may lead to the river being unsuitable for trout. Although good engineering practices can reduce the impacts of new stormwater discharges to the river, they will not eliminate them. This proposed PDD would add vast new areas of impervious surfaces to the watershed, especially for all the surface parking. This area and the negative impacts to the river could be reduced substantially by reducing the footprint of the development. Structured parking and multistoried buildings could be used to reduce the impervious coverage.

6. Use of the PDD in Residential Areas
As outlined in our 2014 Position Statement on the Use of PDDs in Residential Areas, this the Conservation Commission believes the PDD mechanism has been used inappropriately in Shelton to increase site density in R-1 zoned areas. For this particular site, the flexibility of the PDD tool should be used to concentrate economic development along the Bridgeport Avenue corridor while preserving the ridgetop and the R-1 zone and greenway behind the ridge. It should not be used to cram a massive residential tower over Mill Street, or to build a shopping center on Buddington Road.

7. The PDD Regulations. The following excerpts from the PDD regulations pertain to the conservation aspects of the proposal:

**Intent (34.1):** The intent of the PDD is “to encourage and accommodate unique and desirable development that will be consistent with the long range, orderly development of an area but is not accommodated by the established conventional zoning of that area.” Due to the convergence of the city’s greenway and economic development corridors in this location, the PDD mechanism has the potential to allow for a more appropriate site design than the underlying LIP zone, one that balances Shelton’s economic development goals with greenway development goals. However, this potential has not been realized in the proposed site plan.

**Natural Features (34.3.8):** “When reasonably prudent and feasible, development proposals shall make reasonable attempts to adapt to existing topography and natural site features.” For this site, the ridgetop was identified as a natural site feature that should be used to protect the residential and greenway corridor from the Bridgeport Avenue commercial areas. The proposed PDD does not do so.

**Findings Required for Initial Development Concept Plan Approval (34.8)d:** “Provisions for ...usable open space are adequate and acceptable.” The proposed open space is not “usable”, but is dominated by steep slopes, wetlands, powerlines, the gas lines, and major fill slopes (rip rap).
The proposal will not have a significant adverse impact of surrounding properties. This proposal will have a significant negative impact on the adjacent Old Kings Highway open space owned by the City of Shelton, which was intended to ultimately serve as a destination site along a restored Paugussett Trail. The proposal would eliminate any realistic chance of continuing the Paugussett Trail into the property. The neighboring conservation properties owned by the Shelton Land Trust and the State of Connecticut would also be degraded.

Ecological and environmental concerns associated with the proposal...will be adequately addressed.” The impacts to this important connection between the Shelton Lakes and Far Mill River Greenway corridors have not been adequately addressed.

In conclusion, the PDD mechanism gives the Planning and Zoning Commission leverage to insist on a well-designed site plan that will be a win-win for the developer and the community at large. The proposed PDD before you is not that plan. We are fortunate to have topography in this location so well-suited for separating the economic development along Bridgeport Avenue from the residential neighborhood and greenway corridor behind the ridge. The Conservation Commission and Trails Committee urge you to deny this PDD. We can do much better.

Sincerely,

Thomas Harbinson
Chair

cc: John Cook, Inland Wetlands
    Robert Kulacz, City Engineer

Attachments: Natural Resources of “Shelter Ridge”
              Natural Resources Impacts “Towne Center at Shelter Ridge”
              1994 Report for the “Old Kings Highway” Open Space Acquisition
              Paugussett Trail documents (trail map, map of properties purchased, CFPA Award, FOCUS brochure, Shelton Life article.)