1.0  Call to Order/Pledge of Allegiance

Co-Chairman Tom Harbinson called the June meeting of the Conservation Commission to order at 7:05 p.m. in the Shelton City Hall, Room 303. The Pledge of Allegiance was recited.

Attending:  Co-Chairman Tom Harbinson, Co-Chairperson Harriet Wilber, Commissioners Hank Lauriat, Bill Dyer, Jim Tate, Conservation Agent Jimmy Pjura.

Not Attending:  Commissioners Ed McCreery and Joe Welsh

Guests:  Atty. Paul Sobel, Daniel Leszczynski, John Rie, Paul Valko, Barry Mucci, Former Conservation Commission Chairman Terry Jones
2.0 Approval of Minutes of June 1, 2005
At 7:06 p.m. Comm. Lauriat made a motion to approve the minutes of June 1, 2005. Comm. Dyer seconded the motion. All voted in favor; motion passed.

Chairman Harbinson stated there will be an addition to the agenda. Former Terry Jones will speak to the Commission on Support for Public Act 228 (formerly Bill 410).

3.0 Public Portion
Item 6 on the agenda was discussed at this time.

6.0 Discussion of Contamination on Open Space near Anco Engineering – John Rie, Carroll Enterprises
Atty. Paul Sobel for Anco Engineering stated the Anco property was purchased by the Leszczynski family in 1994 and was previously owned by another company. A Provident Life Insurance Company had a mortgage on it and took the building back. At that time it was purchased by the Leszczynski family. There was some contamination of the property when the Leszczynski family purchased the property. As part of the sale, Provident signed a form with the DEP to be responsible for clean up after the sale.

The former company, who owned the property before being taken back by Provident, was the Unum Company. It hired Mr. John Rie, an environmental chemist from Carroll Enterprises, an environmental consulting company, to look into the contamination. Mr. Rie stated the property is clean, but the wetland behind it is not clean. He distributed handouts of the property stating there are petroleum hydrocarbons in the wetlands. The wetlands are owned by the City of Shelton. The petroleum hydrocarbons were put there sometime in the 80’s. The owner of the property at that time had a leaking tank which was leaching oil and substances onto the property and getting into the drywell and into the wetlands off the property.

When a previous owner took over the property, most of the property was cleaned to DEP standards, but shown on a map of the property the contamination is in the wetlands. The Anco Company has put clean sediment over the polluted sediment found on the property and
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has in its possession groundwater tests because the drywell is gone, and a separator has been put in. The water coming off the property has been tested and has been clean with the exception of zinc, coming out of galvanized piping, which is within DEP limits. The company has four wells which have been monitored for 5 years, two on the Anco property and two on the City property. Monitoring well No. 1 is the only one showing any significant contamination of water which is .12 parts per million of total petroleum hydrocarbons. In the State of Connecticut, in a residential area with GA ground water for wells, that is .02 parts per million above the limit. For an industrial area the number goes to .5. There is a minute bit of contamination in the well.

Mr. Rie discussed a chart of soil monitoring results taken from the property, and the environmental company found small areas of hydrocarbons which are slightly above the residential amounts that are allowed to be there. He said the contaminated area is spread out about 100 feet, but didn’t know how big the area is because no one has investigated the wetlands.

Mr. Rie stated he is pretty sure they have cleaned the site, and a true statement is that the Anco Company has inherited any contamination that has occurred and Anco’s operation has not contributed to the contamination in anyway.

Mr. Rie stated the best results for cleaning up is natural attenuation which the EPA likes. It is to let the microbes that are already there eat the contaminates. He said the microbes needs air, nitrogen, phosphorus, and contaminates, such as oil in particular. It will take a while because the sediment is down 6 inches. It will take about 10 years to disappear. He said the only other alternative is to dig up the wetlands which would not be a good idea.

The Commission discussed the contamination problem with Mr. Rie and Atty. Sobel.

Mr. Rie has previously visited the Inland Wetlands Commission, and tonight has attended the Conservation
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Commission for its approval to use natural attenuation to let the monitored problem take care of itself. If it gets approved, he will take the information back to the DEP.

The Commission will address the problem with a letter at a later time.

5.0 Subdivisions
Turkey Hill Estates, 10Lot PRD, Buddington Road – Discussion of Open Space – Barry Mucci

When the map of the area was presented, Chairman Harbinson said the piece of property on the right of the map is the match line to Grace Lane on the left side. Mr. Paul Valko, surveyor, said the open space is 4.16 acres. He indicated on the map the pond, the drainage structure, the steep slopes, the slopes for construction, and the wetlands. When their acreage is taken out of the open space 2.81 acres are left which are non-slope and non-wetlands. Although the area is 30% slopes and wooded, he gave the Commission a breakdown to show the Commission there is more than the 15,000 square foot per lot that is required for the open space area. The total acreage of the parcel is 11.6 acres.

Mr. Barry Mucci agreed with the PZC to attend the Commission’s meeting or the Trails Committee to inform the Commission he will build some trails through this open space connecting Grace Lane to OS62 and out to Old Kings Highway. Comm. Bill Dyer, Trails Committee Chairman, who has walked the property, was introduced to Mr. Mucci and Mr. Valko. Mr. Mucci proposed where the lots meet with the open space to build natural stonewalls.

Mr. Valko stated a fifteen foot buffer in its natural state will be put along Lots 8, 9, and 10 with no clear cutting or cutting of trees to serve as a buffer between the two subdivisions. There will be no conservation easement and will be defined only through the maps that are on file and on the property deeds with the restrictions on the property according to the PZC request. Chairman Harbinson stated a conservation easement and a buffer of no clear cutting 15 feet from the property line is the same thing. Mr. Valko agreed it doesn’t matter.
Chairperson Wilber told Mr. Mucci that if it is labeled a conservation easement, he will need to put up the conservation signs. The Commission, Mr. Valko and Mr. Mucci discussed the conservation easement, the cul de sac, a detention pond which is to be built in the open space, and a parking area on the cul de sac and a gate which can be unlatched for pedestrians to access the trail system.

Since the developer has approval for a PRD, he now needs site plan approval. Comm. Tate recommended because the developer has serious grading into the open space, the developer put a site disturbance line, so that the Commission can find and understand where the limit of clearing will be. PZC requires it on their site plan check list. Mr. Mucci stated he would put a line on the grading plan map, not on the subdivision map, showing they would not pass this.

Comm. Tate stated since there is serious grading into the open space, he recommended a site disturbance line be put on this in order to find the limit of clearing. Mr. Valko stated he would stake out all the areas now for the clearing company to clear cut in back of the property lines to get the wall started and to put a site disturbance line up. Comm. Tate stated if that line on the property and the line on the map do not conform, the developer will be stopped.

At 7:55 p.m. Chairperson Wilber made a motion the Conservation Commission recommends in regard to Turkey Hill Estates and the site plan, to write a letter to the Planning and Zoning Commission, that the Commission ask for a site disturbance line be drawn on the plan that will delineate the area of disturbance in order to put in the detention pond, the grading for Lot 7, the cul de sac, the access to the detention basin, the detention basin structures, and Lot 4. In addition, the Conservation Commission asks the area not to be cleared in the rear of Lots 7, 8, 9, and 10 be labeled a conservation easement which will allow the signing of that easement and allow it to conform to conservation easement regulations that the City is going to adopt. The applicant has offered to provide a natural stonewall barrier from collected stone on site along the open space.
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space boundary Lots of 7, 6, 5, and 4. Seconded by Comm. Bill Dyer. All voted in favor; motion passed.

Mr. Valko stated in regard to the pedestrian easement, he would want to use part of that for installation of the sewer line. He said there would be improved pedestrian access with the walking path from Grace Lane into the open space.

At 8:00 p.m. Chairman Harbinson made an amendment to the motion for the letter to include that the sewer access from this new subdivision into Grace Lane requires a small portion of the existing pedestrian easement to be used for a sewer line access. In consideration for that use, the developer will improve the easement afterward for better pedestrian access from Grace Lane into this open space and that the easement is put back in a passable, natural condition. In addition, the developers agree to put in a trail system to connect Open Space 62, Mill Street and the Grace Lane pedestrian easement.

Mr. Valko and Mr. Mucci left the meeting.

3.0 (Continuation of Public Portion)

Support for Public Act 228 (formerly Bill 410) - Former Conservation Chairman Terry Jones

Former Conservation Chairman Terry Jones attended the meeting regarding the Working Lands Alliance which is striving to acquire better funding for farmland preservation. He handed out related information. They need individuals or groups to E-Mail or phone call Governor Rell’s office in regard to supporting Public Act 228 (formerly Bill 410) which is An Act Concerning Farmland Preservation Land Protection, Affordable Housing and Historic Preservation.

Mr. Jones read a letter he had written in support of Public Act 228. In part, it said,

“The minds of bipartisan legislatures began the creation of this bill nearly a year ago. A remarkable progress of collaboration of Connecticut Yankeeism at its best recognized it is not only the loss of Connecticut farms that affects the quality of life from us nutmegers but the cherished fabric of our
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State’s communities is unraveling. Development pressures take their toll from the very landscape of our towns that makes Connecticut special fields, forests, historic buildings, parks, and affordable housing available for our children and, for the first time in our State’s history, legislation was created to establish a reliable funding mechanism for community preservation initiatives.”

The Support for Public Act 228 (formerly Bill 410) authorizes town clerks to collect $30 on each land record transaction generating $6.5 million for the Dept. of Agriculture to be spent on the programs outlined in this bill and the remainder for farmland preservation (approx. $4.6 million).

Mr. Jones stated of the $30 collected, a dollar is given to the town clerk’s office for the added expense of collecting the fee, three dollars stays in City Hall, and twenty-six dollars is sent to Hartford for grants, historic preservation, farmland, open space and affordable housing.

It is on Governor Rell’s desk to sign and hope will do so.

Former Chairman Terry Jones left the meeting.

Chairperson Wilber suggested the Commission send a letter to Governor Rell and individually call the Governor’s office. Chairman Harbinson suggested Chairperson Wilber write the letter and have it come from Conservation Agent’s Jimmy Pjura’s E-Mail address since he has the City of Shelton under his name. Chairperson Wilber dictated the E-Mail as follows: The Shelton Conservation Commission at its meeting of July 6, 2005 voted unanimously to send you this E-Mail to inform you that we strongly urge you to sign Public Act 228. This bill is imperative in order to maintain the quality of life in Connecticut. Sincerely, Co-Chairmen Harriet Wilber and Thomas Harbinson.

Agent Pjura will send it to Chairman Harbinson to have him proofread the E-Mail, and he will send it back to Agent Pjura to send it to the Governor from his E-Mail address.
4.0 Report of Jim Ryan – Enterprise and Commerce Park
Jim was unable to attend tonight’s meeting.

5.0 (Continuation of Subdivisions)

Any Pending
Chairperson Wilber stated the hearing for Avalon I (Cranberry Hill) Affordable Housing is July 19th. In researching letters in the past, two letters were written regarding Cranberry Hill and a letter was never written regarding Avalon Bay I.

She stated a letter should be written for the hearing on Avalon Bay and if a member of the Commission would like to go to read the Conservation Commission letter, rather than the Secretary of the Planning and Zoning Commission.

Chairperson Wilber read a letter she wrote for the hearing to be addressed to the Planning and Zoning Commission as follows:

“More than five years ago Shelton Conservation Commission had an opportunity to recommend the purchase of a piece of one of the properties that constitute the land on which the proposed Avalon Bay communities’ affordable housing project is planned.

We of the Commission chose not to pursue its purchase because the property for sale was in an R1 district. If it was to be developed, we felt we would get a 10% open space dedication which would allow us a place for the trail we had planned for that area.

Now, rather than have approximately 20 homes in an established R1 zone, we are presented with 307 proposed units with no open space dedication. This open space is necessary to protect the environmental aspects of the land as well as provide a recreational area for the new residents of any housing put on the land.

The Conservation Commission is very concerned with the impact the Avalon Bay project will have on the natural resources of this land. When we walked it several years ago, we determined it had many
sensitive areas, in particular the cranberry bog. The impact on this bog from more than 1,000 people living adjacent to it, along with their cars, is difficult to imagine. Because of the importance of the cranberry bog, and our fear of the detrimental of housing development on it, we reiterate our interest we have maintained for several years that the City should investigate the purchase of this property.

For the reasons stated above, we respectfully request you deny the Avalon Bay housing project.”

The Commission discussed the contents of the letter. Comm. Tate stated the Commission should write that this development will negatively affect this important natural resource that is uncommon and unique and needs protection. The change of zone is not acceptable in this community if it will affect sensitive site areas. It will negatively affect the quality of life. Overriding the factor of affordable housing is the combination of the negativity of traffic it represents, its impacts on the natural environment, the density issue, the change of zone issue, all of which are not acceptable. Chairman Harbinson stated the existing zoning would allow us to preserve the natural aspects of the site while having economic development. Because of those reasons, the Commission recommended to say no to this proposal. Comm. Tate wrote a previous letter on the subject and will send it to Chairman Harbinson.

7.0 **Communications**

The communications received were:
- The Habitat.
- A letter from Constance Swartz in regard to Avalon Bay II.
- A letter from John Anglace, president of the Board of Aldermen, regarding a request for our recommendation from the Board for a specific property purchase. It will be considered under the Executive Session, Quality of Life portion of the meeting.

Comm. Lauriat was supposed to have read a letter from the Conservation Commission in the meeting of Avalon Bay II, but the meeting was postponed to July 26. He will read the letter at that time.
8.0 **Update of Quality of Life List – Chairman Tom Harbinson**

Chairman Harbinson said he will review the list and update it.

- **Letter to Landowners – Comms. Joe Welsh, Ed McCreery**
  There was nothing from Comm. Welsh or Comm. McCreery. They were not able to attend this night’s meeting.

9.0 **Process and Procedures of PZC Applications and of Open Space Trust Fund Account – Chairman Tom Harbinson**

Chairman Harbinson met with Rick Schultz, Planning and Zoning Administrator, to discuss the process which was well defined. He is still working on the Open Space Trust Account since there seems to be some glitches on the account. In addition, the PZC has a new transmittal letter that was used for open space on the Barry Mucci proposal on Buddington Road. It will provide much more data.

10.0 **Trails Committee Report– Comm. Bill Dyer**

- Comm. Dyer stated the Trails Committee had the four mile hike on National Trails Day on June 4th which was a great success. Over 100 people attended the hike.

- Regarding the Abbey Wright Parking Area, the removal ballards are up with City locks on them. The cement pipes are taken out. A little more leveling is needed to make the parking area, and the old, rusty bridge gate will be taken away. Dean Cawthra will do work on that and will also do the grading and the millings on the trail from Pine Lake to Meadow Street. John Cook, Administrator of Inland Wetlands Commission, has approved the plans.

- The Turkey Trot Kiosk is half finished. The bridge has been installed.

- The grant for the bridge for Silent Waters has been awarded to the Trails Committee. Plans have to be made for the type of bridge, the railings, and quotes need to be received. The Trails Committee
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has over $73,000 in total from all the various grants.

11.0 Report of Conservation Agent – Conservation Agent
   Jimmy Pjura
   Landkeepers Program
   There is nothing to report.

Violations of Open Space

Mayflower Lane
- Agent Pjura presented pictures of Mayflower Lane.
  Picture No. One, the homeowner’s backyard is about seven feet more onto open space. Picture No. Two, half of the pine trees are on open space.
  Picture No. Three, the Playscape is on open space.

- Chairman Harbinson stated he had met with all the homeowners on Mayflower Lane a year ago and told them about the open space behind their homes. He has all the E-Mails when he talked with them. All the neighbors were together when he met with them in one of the houses. He showed them on the map where the open space is and said they are all aware of the situation. He mentioned that was to be the access for the Blue Dot Trail to connect to the Wiacek Farm area. He added that is City open space; it is not an easement.

It was suggested putting a split rail fence at the City boundary line which would be a way to clearly delineate it.

Chairman Harbinson recommended sending a letter to all the homeowners on Mayflower Lane notifying them that there is public-owned open space at the rear of their property which the Commission may be forced to fence in order to clearly delineate the public access area.

Pearmain Road
- Agent Pjura presented a picture of the six pine trees planted between the open space and David Naples’ yard. Mr. Naples has paid for two of the trees.

Soundview Avenue
- Agent Pjura spoke with John Collins, 296 Soundview Avenue, because his fence is on open space. The Commission stated the homeowner knew he was not supposed to park any of his possessions on open space.
space underneath the power lines. Now he builds a fence and parks his truck on open space. Agent Pjura was recommended to send him a registered letter telling him to promptly remove all of his personal property and his fence off the City open space or legal action will be pursued. He will include a copy of the Open Space Regulations and a map of the property in the mailing.

Hanging Open Space Signs

Old Subdivisions
- He signed Dear Run Estates on Hubbell Lane and spoke with Tracey Lewis to please sign Deanwood Meadows. He signed the open space off Constitution Boulevard, Plaskon Rd. Extension, and Ivy Lane, which is the area the ATV’s are using. He will sign the open space adjacent to 296 Soundview Avenue, but it is not accessible to sign now. It will be done in the late fall because of the thick brush.

New Subdivisions
- He furnished open space signs and private conservation easement signs to Richard Contrar who is flagging the former Pinecrest property. He will check that site next week.

Restoration of Open Space Adjacent to Pat May’s Property
- John Cook of the Inland Wetlands Commission is comfortable with posts, split rail fence, or several small shrubs denoting public access to the Housatonic River at Pat May’s property on Birchbank Road. Chairperson Wilber suggested Pat May would do the planting and the Commission would reimburse her for the plantings on City property. It was suggested to put 2 posts 4 feet off the road to mark the entrance of the public easement. He will mention this to Dean Cawthra who put in the posts.

Environmental Car Study
- The study was furnished to the Mayor’s office.

Vista of White Hills
- Agent Pjura has coordinated with Frank Russo to mark open space boundaries and mark trees. Mr. Russo has to buy the posts and now has his surveyors finishing putting the posts up because the property is marked off. Agent Pjura will bring all the signs to him tomorrow. Mr. Russo suggested metal posts instead of wooden ones because of rot. The stones from the stone wall from East Village
are not stock piled near the entrance. They have been put 100 yards past the trailer on the right.

Grants

Above the Overlook
- Everything has been submitted. A second assessment had to be sent along. The grant will be decided by the end of summer or early fall.

The America the Beautiful Grant
- Agent Pjura revised the plantings section of this grant and sent the information to Mr. Chris Donnelly. Mr. Donnelly said the Commission will be awarded the grant. The grant is in regard to OS38.

ATV Activity near Sylvan Drive
- Agent Pjura met with Chief Voccola after a complaint to the Mayor. Agent Pjura was informed by Chief Voccola the Shelton Police Department and the Department of Environmental Protection will have a sweep of ATV violators. There is no definite date, but Chief Voccola will keep Agent Pjura informed when the activity will happen.

Camping on Open Space
- A copy of Monroe’s rules, regulations and fees of Webb Mt. Park was presented by Agent Pjura. No camp site suggestions, yet.

Lane Street Gates
- In addition, Agent Pjura presented pictures he took of the gates on Lane Street. The Commission stated the gates are much nicer than originally proposed. Agent Pjura showed the Commission a gate latch that he found on the ground near the gates. He didn’t know how or why it broke off the gate. Chairperson Harbinson said the Public Works Department could fix the latch.

Lifting of Bonds
- Before the bond is lifted on the Behuniak property and the Scenic Lane property, Rick Schultz of Planning and Zoning was supposed to ask Agent Pjura to find out if they are signed properly. Agent Pjura will now ask Mr. Schultz why he did not do so.

Water Testing
- Lynn Werner from the Housatonic Valley mailed off the information regarding injecting the molasses into the ground. Agent Pjura called the DEP which said that process will not start until next year.
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Camping Regulations on Open Space
- Chairman Harbinson stated we should model our camping regulations, rules and fees after Monroe’s Webb Mt. regulations. Chairperson Wilber suggested when the Conservation Commission makes its decision, it should be sent to the Parks and Recreation Department. Agent Pjura was asked to make copies of Monroe’s Webb Mt. camping information for the Commission.

Testing of the Ponds
- A member of the Connecticut Agriculture Experiment Station called Agent Pjura telling him they will test the ponds in Shelton. If an endangered species is found in anyone of the ponds or lakes, the City will not be able to make any treatment application to these ponds according to the rules and regulations for that endangered species. He will take it out of the City’s hands and take it over to the State.

Boy Scout Projects
- Agent Pjura met with Boy Scout Terrance Mallon who will work on the path way to the dam. Boy Scout Dick Dickovic is replanting the green space off of Exit 14 and Route 110.

12.0 Plan Update Advisory Committee – Comm. Jim Tate, Chairman Tom Harbinson
Chairman Harbinson stated the advisory committee is still meeting and is making progress.

13.0 Full Time Natural Resources Manager Position – Chairperson Wilber
Chairperson Wilber spoke with Ms. Sandy Nesteriak, Administrative Assistant to the Mayor. Ms. Nesteriak said six applications were received. The applicants must take a written test and an oral test. When the testing is completed, the Conservation Commission will interview the applicants.

14.0 Quality of Life – Possible Executive Session – Chairman Harbinson
At 9:32 p.m. Chairman Harbinson made a motion to go into executive session for the purpose of discussion land purchases. The motion was moved by Comm. Lauriat; seconded by Comm. Tate. All voted in favor; motion passed. The machine was turned off.
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At 9:50 p.m. Chairman Harbinson made a motion to come out of executive session. The motion was moved by Comm. Lauriat; seconded by Comm. Dyer. All voted in favor; and the machine was turned on.

No action was taken during the executive session regarding correspondence received from the President of the Board of Aldermen. The Commission needs more time to acquire information regarding the parcel.

15.0 Comments by Members
Chairperson Wilber noticed in the Zoning Board of Appeals meeting agendas that some property owners want extreme reductions in zoning requirements in order to develop their properties.

She said the Commission does not get the ZBA’s meeting agenda until after our meeting. It is a shame because something might occur that might impact our open space. Comm. Tate suggested the Commission send a letter to ask the ZBA to make the Commission aware of items involving land adjacent to City-owned open space prior to our Commission’s meeting or ask them to table it to their next meeting, if we have not had time to respond.

At 9:53 p.m. Chairperson Wilber moved to write a letter to the Shelton Board of Zoning Appeals asking them to please notify the Conservation Commission as quickly as possible when any variance is requested on land adjacent to City of Shelton property

Comm. Lauriat seconded the motion; All voted in favor; motion passed.

In addition, looking at the ZBA report of June 21, 2005, Comm. Tate questioned the Resnick property on Bona Vista Terrace, Shelton, regarding a certificate of approval for a single family home on Lot 1, R-1 zone, which requires a reduction of minimum lot frontage and a variance for the minimum square to not touch the front setback. Chairman Harbinson explained the Resnick property is on Bona Vista Drive which is the little spur road with the cul de sac off East Village Road. The power lines are just beyond the cul de sac and the property drops off preventing its extension. Toll Brothers gave a piece of property to
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the Resnick’s to access that road from their new road in Vistas of White Hills.

Also, Comm. Tate also noted in the ZBA agenda there is Lot 2, R-1 zone which requires a reduction in minimum lot frontage on the same property. Chairman Harbinson answered they are trying to create two lots on that parcel which is now accessible to the road the Toll Brothers are building.

16.0 Adjournment
At 10:00 p.m. Comm. Lauriat made a motion to adjourn. Seconded by Comm. Tate. All voted in favor; meeting adjourned.

Minutes prepared by________________________
Anita Shortell, Secretary