Conservation Commission Meeting Minutes
August 3, 2005

Agenda

1.0 Call to Order/Pledge of Allegiance
2.0 Approval of Minutes of July 6, 2005
3.0 Public Portion
4.0 Report of Jim Ryan-Enterprise and Commerce Park
5.0 Subdivisions
6.0 Communications
7.0 Update of Open Space Plan
8.0 Trails Committee Report-Bill Dyer
9.0 Report of Conservation Agent-Jimmy Pjura
10.0 Plan Update Advisory Committee-Jim Tate, Tom Harbinson
11.0 Full Time Natural Resources Manager Position - Harriet Wilber
12.0 Quality of Life-Possible Executive Session - Tom Harbinson
13.0 Comments by Members
14.0 Adjournment

1.0 Call to Order/Pledge of Allegiance
Co-Chairman Tom Harbinson called the July meeting of the Conservation Commission to order at 7:04 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, Joe Welsh, Ed McCreery.

Not Attending: Conservation Agent Jimmy Pjura

Guests: Terry Gallagher, Jim Swift

2.0 Approval of Minutes of July 6, 2005
At 7:05 p.m. Chairman Harbinson entertained a motion to approve the minutes of July 6, 2005. Commissioner Hank Lauriat seconded the motion. All voted in favor; motion passed.

3.0 Public Portion
Terry Gallagher, a member of the Trails Committee, went to the Board of Aldermen’s meeting last month
because there had been a newspaper article in the paper questioning why we are buying open space. He informed them what work is being done in the trails work parties and how many thousands of man hours are creating the trails system. He offered to give them an individually guided hike, at their leisure, to see any part of the Shelton Lakes Greenway. The greenway is suitable for walking dogs, kid outings, bicycle riding, or bird watching. The Aldermen agreed the open space system was very nice. Alderman Finn said he would like to see the Shelton Lakes Recreation Path paved from Shelton Pine Lake to Huntington Center and be fully handicapped accessible. He was fully behind the project. Alderman Anglace stated how well the Trails Committee was doing with the trails and open space program.

Mr. Gallagher handed the Commission copies of Trails Committee work party’s accomplishments he had given to the Aldermen and the suggestions he made to fix some of the land use problems in Shelton regarding better open space and greenways. Aldermen Anglace said he would forward his comments to the Plan of Conservation and Development and the Charter Revision Committees.

Mr. Gallagher stated he is trying to obtain some grant money similar to which Derby and Ansonia are getting for their trails and greenway projects along the Naugatuck River. Chairman Harbinson commented Derby has a greenway that goes from Division Street by the McDonald’s at the Ansonia/Derby line to the train station and around Old Sullivan’s Island. Recently the Trails Committee had 22 members of the New Haven Hiking Club using the Shelton Lakes Recreation Path.

Chairperson Wilber commented according to Aldermen Anglace, for a source of money, the Trails Committee could apply for the LOCEP money and suggested Mr. Gallagher get a package together, so the Commission and Trails Committee could go to the Aldermen to ask for that money.
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4.0 Report of Jim Ryan – Enterprise and Commerce Park
Jim Ryan was unable to attend the meeting. He was attending a meeting for SEDC grants for the Riverwalk and the Farmers’ Market.

5.0 Subdivisions
Public Hearings, Avalon Bay I and II – Tom Harbinson, Hank Lauriat
Chairman Harbinson went to speak at the public hearing, which was the second continuation meeting of Avalon II (Multi Housing Zone Change), and read the letter sent by the Conservation Commission. The hearing is now closed, also is Avalon I (Cranberry Pond). Commissioner Hank Lariat was unable to attend the meeting for Avalon I to read the letter, but it was added to the record. Chairman Harbinson stated the Commission has made its points consistently known from the time the property was initially looked at.

Reznik Estates, 2-Lot Subdivision – Bona Vista Drive
Chairman Harbinson presented two drawings near the Wabuda Brothers subdivision and the Waselewski subdivision. Reznik Estates is a subdivision of two lots. One lot has Bona Vista Drive as their legal street frontage and the other lot has Sachem Drive as their legal frontage, but both are using the access off Sachem Drive. Legally they make lot 2 a lot because they make legal frontage on Bona Vista Drive, even though, because of the topography, the cul de sac could not reachable because of a drop on the property. The developers are making a fee in lieu of proposal.

The Commission discussed the drawings which had been received by PZC on June 22. The Commission is supposed to look at the map tonight to suggest if it would want fee in lieu of, open space dedication, or if it wants an easement through it.

A subdivision map of Vistas of White Hills on East Village Road, Sachem Drive and Sagamore Drive was reviewed. Chairman Harbinson pointed to the Waselewski’s area which has an application for a subdivision which has been filed with the PZC, the Reznik’s property, and the surrounding open space. After the Commission discussed specific points in the area, Chairperson Wilber suggested open space or a
public easement on the Reznik’s property, but there is no good access to it. It was determined, since other subdivisions have been committed, open space is not viable. The Commission recommended in the future it needs to be more diligent through the process of acquiring open space.

Commissioner Lauriat stated a letter should be written stating the Commission lost the north/south access which had been promised, but is not there.

Commissioner McCreery suggested writing a letter on what they are proposing commenting this shows what a sorry state of affairs it is when there is no forethought. We had recommended that the pentway be saved, that there should be a north/south access of open space, and now through a series of sequential subdivisions that opportunity has been lost.

At that time, Jim Swift, engineer, entered the meeting to speak about the Reznik property. The Commission said it wanted the north/south access. Chairperson Wilber asked if he was familiar with the Waselewski property’s open space. He answered yes, it is under the power lines.

Mr. Swift presented a map of the Reznik’s property. He has spoken to the Reznik’s who said they are exempt from the open space as they will transfer these two parcels to their two daughters. That can be done because they are related. Commissioner McCreery suggested putting this exception to the open space regulations on the agenda for the next meeting. Chairperson Wilber said the regulations now state the land must be kept in the family for a year. He said no other town has that. If a person subdivides the land, open space or fee in lieu of should be given no matter to whom the land is sold. He will make a recommendation to propose PZC to remove that. The way it stands now in two or three years the family could decide to sell their lots, and the town has no benefit.

Chairperson Wilber asked is there a chance to get the north/south connection. Mr. Swift answered, yes, but the Reznik’s don’t understand why they would be doing that when there is no way to get to the open space.
He said they are willing to speak to the Commission about working something out, if possible.

Commissioner Tate stated to put on the record the Commission lost the north/south access. As more properties come in, it is going to be very important for us to make sure that we start in the process of open space selection and follow through to maintain that open space and do not give it up.

Commissioner Lauriat stated it would be helpful if the PZC staff attends the Commission’s meeting for ½ or ¾’s of an hour on the first Wednesday of the month. Chairperson Wilber said it can be requested, but they do not have to come.

The reason for Jim Swift’s visit to the meeting was to speak to the Commission regarding the Reznik’s property. They are willing to talk to the Commission. Lot 2 has a septic system and maintenance area. He said the Reznik’s are willing to discuss this property if this Commission can put together a specific plan. They would like their garden and lawn area to be protected. An area of lot 2 is wooded and not useful and would be open to discussion for a right-of-way.

Commissioner Tate stated the Commission does not have any interest in this, but it is appropriate to send that letter.

Commission McCreery began proposed letter regarding The Reznik Estates.
The Conservation Commission having reviewed the subdivision plan for Resnick Estates makes no comment as the application purports to be exempt from the open space set aside or fee in lieu donation by virtue of proposed conveyance to family members. The Conservation Commission feels that it would be remiss if it did not point out the extreme unfortunate circumstance that the recommendation for the Toll Brothers subdivision to maintain a north/south open space connection to allow continuity of trails and continuity of open space was not heeded. This Commission strives to prevent situations in which open space parcels are not landlocked and are
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continuous and accessible to other open space parcels.

Very particularly, when the Planning and Zoning Commission allowed Toll Brothers to do away with the proposed north/south trail connection that the Conservation Commission had spent a lot of time negotiating, the Planning and Zoning Commission should have either preserved the pentways as a north/south access or looked at the power lines for a north/south access to connect the open space. Even if the north/south access way were now attempted through the power lines, the allowance of the creation of the new lot 37 adjacent to the City open space would block that north/south access.

This situation shows the importance of keeping in mind long-term planning so that as successive subdivisions come on line, there is a holistic approach to an area to the connectivity of open space.

If the members of Planning and Zoning had walked the Wabuda Farm before its development, as many of the Conservation members had, they would have seen the unique feature of the double stoned lined pentway and agree it was worthy of preservation. We all have to acknowledge this significant, historical feature of the land is in the process of being lost that could have been an attribute available to the public for a unique trail and hope that a lesson has been learned in this experience.

At 7:47 p.m. Commission McCreery made a motion to send the letter regarding The Reznik Estates to the Planning and Zoning Commission. Commissioner Tate seconded the motion. All voted in favor; motion passed.

Chairperson Wilber stated if the Commission really wants to fight for something the Commission wants, we need to go as a group to the PZC meeting. She said it is a big commitment.

Any Pending
Chairman Harbinson presented another map of a subdivision. It has two lots and is on Route 110 and
Leavenworth Road. There is a dentist office on one lot and other is a second vacant building lot for a single family dwelling. Hank Lauriat, Ed McCreery, and Joe Welsh recused themselves from this discussion because they are adjacent property owners as members of the Land Trust. Commissioner McCreery stated the Land Trust concerns will be the old road and secondly, there be a 50 foot conservation easement adjacent to the Land Trust property.

The Commission discussed the property. Since this property is a simple subdivision, which the owner is splitting; it qualifies for an open space dedication or a fee in lieu of.

Commissioner Tate stated a concern of the Commission is it appears that the lot is very difficult for soil reasons and intermittent water courses or stream corridors and some careful attention should be paid to the design of the lot to support a single family dwelling. The Commission will look at a fee in lieu of since there is no open space that seems viable. The Commission would like to see the stone wall protected on the north corner and to consider a 50 foot conservation easement along the Land Trust property, if, in fact, the lot itself can support what is proposed because it appears it cannot. The Commission expresses concern to the Planning and Zoning Commission regarding the property line and the boundary of the lots versus the old historic right-of-way of Old Town Road. The purpose of the 50 foot buffer is to protect the stone wall and to prevent any kind of encroachment does occur into the historic road or into the Land Trust property.

At 8:03 p.m. Commissioner Tate made a motion to send the letter regarding the fee in lieu of on the subdivision of the two lots between Route 110 and Leavenworth Road to the Planning and Zoning Commission. Commissioner Dyer seconded the motion. All voted in favor; motion passed.

Noted: For the record, Commissioners Hank Lauriat, Ed McCreery, and Joe Welsh recused themselves from the voting.

Mr. Jim Swift left the meeting.
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6.0 Communications – Co-Chairmen Wilber and Harbinson

Communications received were as follows:
- Conservation August Report from Agent Jim Pjura.
- The Public Acts from 2005 that affect the environment from P2C Administrator Rick Schultz.
- The Connecticut Educational Experiment Station about its annual plant science day.
- Planning and Zoning Commission Minutes.
- Zoning Board of Appeals Agenda.
- A Calendar for 2006
- The Inland Wetlands Resources Division of the State of Connecticut authorization for coverage, general permit for utilities and drainage, and drainage maintenance plan for Long Island Sound.
- An E-Mail for an EPA survey to Commissioner McCreery regarding farmland properties that the Commission is looking to preserve. He met with Former Chairman Terry Jones for help to fill out the survey.
- Mail from the U.S. Army Corp of Engineers regarding Murphy’s Boat Yard which is planning to shift the federal navigation channel on the Housatonic River and dredge several thousand cubic yards of material and repair the shore line with rip rap and stabilize and reconfigure floating docks so they can make a new configuration of 267 boat slips.

Chairperson Harriet stated Mr. Milton Corbett and his wife of 655 River Road came to the Commission’s meeting. They had a house in back and wanted to put a house in front. They will be going to the Zoning Board of Appeals meeting on August 16. Previously, the Commission wrote a letter regarding their property. A motion was made to make a copy of the letter and send it to the Shelton Zoning Board of Appeals. Commissioner Lauriat seconded the motion. All voted in favor; motion passed.

Response from ZBA

The Commission wrote a letter to the Shelton Board of Appeals to ask them to send the Commission the appeals listing ahead of their normal notification
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when the appeal is adjacent to the City open space. This way we have time to respond with any concerns.

7.0 Update of Open Space Plan – Chairman Harbinson
Chairman Harbinson spoke to Dave Zamba of the Open Space Committee on Thursday when Governor Rell was signing a bill at the Riverwalk. He said he is working on it. Chairman Harbinson said it is important to have this completed. Chairperson Wilber said the Commission should hire someone because the goal is December. The Commission discussed how it could be completed by the end of the year.

Chairperson Wilber moved this Commission authorize Chairman Harbinson and Commissioner Tate to hire someone, if necessary, to update our open space plan before our next month’s meeting. Commissioner McCreery seconded the motion; all voted in favor; motion passed.

Letter to Landowners – Commissioners McCreery and Welsh
Commissioner McCreery said he sent an E-Mail to Commissioner Welsh, and he should send it to everyone. If he can’t find it, Commissioner McCreery will recreate it.

Quality of Life List – Chairman Harbinson
This will be related to the Update of Open Space Plan. Commissioner Tate recommended revisiting the Quality of Life List. He would like to be refreshed on it.

8.0 Trails Committee Report – Commissioner Dyer
- Commissioner Dyer stated the Turkey Trot Trail kiosk and bridge are completed. It is the last kiosk that is planned. He asked Dean Cawthra of the Parks and Recreation Department to put a large boulder in front of it, so someone cannot knock it over.
- He is looking for some scouts to build bridges.
- The grant for the bridge over the Silent Waters Dam has been received. He and Terry Gallagher have contacted pedestrian bridge manufacturers. They hope to have a good plan within the month. There are three companies that can provide them. He said it will be divided into two projects, one is the
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bridge, and one is the railing. The bridge will be made in South Dakota or North Carolina and will be dropped in place by a crane. The railings will have to be made locally and will be either metal or wood and sturdy. A building inspector will check the bridge for safety.

- A lot of work has been done on the wood chips and on the power line crossings.
- Teresa Gallagher of the Trails Committee has made informal trail marking signs for directional information.
- Commissioner Dyer wondered if the City of Shelton should have a bark park. A dog owner could bring his dog to an area that is fenced in where dogs could run around and socialize with other dogs. It could be put on ¼ acre of open space or more. He will send website messages to people who have these with more information. He suggests the Commission consider this.
- He wondered if affluent residents of Shelton who made money in the town could be encouraged to donate monies for projects such as for an amphitheater with a shell on the slab. Since they donated the monies, it would be named after them. He mentioned a committee which had some specific projects, such as an amphitheater or a Recreation Path from Huntington to Shelton, could approach them to do something for the City of Shelton.

The Commission said there are organizations such as the Rotary Club, Community Foundation, and Good Scouts of Shelton that contribute to the community. In past times philanthropists have built libraries and parks, but people in this area don’t contribute in that manner. Some people who want to donate things don’t want the publicity associated with it. Commissioner Dyer suggested he submit a letter on his own to the newspaper stating the town needs this. The Commission stated people don’t give to non-profit organizations as they did historically.

It was suggested to honor someone that has donated to the community in the past such as the families who have given land for open space to encourage other donations.
9.0 Report of Conservation Agent – Agent Pjura

Agent Pjura was unable to attend tonight’s meeting.

Landkeepers’ Program

He will be forwarding Melissa Loomis, editor for Shelton Weekly, an article for anyone interested in the Landkeepers’ Program.

Violations of Open Space

Mayflower Lane
- He is working on a strategy to inform these residents of the situation that exists, and how to go about rectifying the issue.

Soundview Avenue
- He has included a map to illustrate Mr. John Collins’ property and his backyard neighbor, who resides on 230 Meadow Street. He spoke with Mrs. Collins who discussed the matter with this neighbor earlier and confirmed that adjacent to Collins’ property there is an easement for the power company on this person’s property. Chairperson Harbinson, looking at the map included, said it appears the rear house has frontage on Soundview Avenue and has a 30 foot access easement for the lot to the back. That gentleman has his possessions on the easement. Now it is an issue between the neighbors and that person violating open space. Dave Kosakowski of the Engineering Department, confirmed these findings of the easement to Soundview Avenue. The Commission will talk to Agent Pjura to get clarification of the situation.

In addition, in Agent Pjura’s notes, Mr. John Collins will remove the section of fence that is on open space the Commission previously spoke about in another meeting.

Hanging of Open Space Signs

Old Subdivisions
- Deer Run Estates has been signed, Pinecrest has been signed, and Frank Russo of Toll Brothers will call him this week to sign Wabuda.

New Subdivisions
- No report on new subdivisions

Restoration of Open Space Adjacent to Pat May’s Property

He has coordinated with Dean Cawthra to denote public access to the Housatonic River with 4X4 posts signed and 4 or 6 shrubs to dress it up. It will be completed by the middle of August.
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Grants
America the Beautiful
Chris Donnelly contacted him to speed up the process for the America the Beautiful Grant; it would be a step ahead to have the resolution read into the Board of Aldermen meeting minutes on August 11th. Agent Pjura will get a copy of the minutes with this resolution when it becomes available.

ATV Activity near Sylvan Drive
Chris Nowak of the Tennessee Gas Company has to put up a post and chain across the access for the gas pipeline on Constitution Boulevard South near Plaskon Drive.

Camping on Open Space
Nothing to report.

10.0 Plan Update Advisory Committee – Commissioner Jim Tate and Chairman Tom Harbinson
The committee will meet next Monday and the committee will have pamphlets Planometrics produced. The latest one was Item 7, Economic Buildout Analysis, and before that was Guiding Appropriate Development. The committee is meeting with Planometrics in between regular meetings to have discussions on the various issues that come from those reports.

Mr. Terry Gallagher gave Chairman Harbinson a copy of an act that passed pertaining to Plans of Conservation and Development regarding items the Commission is performing which were effective July 1st. Chairman Harbinson will give Mr. Rick Schultz, Administrator of Planning and Zoning Commission, a copy.

The Commission stated in the Vistas of White Hills the City should have required sidewalks because sidewalks are so important to a community. There is a street ordinance that any new sidewalk needs to be concrete because asphalt clumps after a few years and becomes a liability. Not just residential areas need sidewalks for pedestrian movement, but commercial areas need uncluttered, cleaned off sidewalks.

11.0 Full Time Natural Resource Manager Position – Chairperson Wilber
The Commission received a number of applications but will have to go into executive session to view them.
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The applicants will undergo oral and written testing before the Commission interviews them.

12.0 Quality of Life – Possible Executive Session – Chairman Harbinson
At 9:06 p.m. Chairperson Wilber moved to go into executive session for the purpose of discussing applications for employment that the Commission received regarding the Natural Resource Manager Position and also Quality of Life executive session for land purchase issues. The motion was seconded by Commissioner McCreery. All voted in favor; motion passed. The machine was turned off.

At 10:22 p.m. Chairman Harbinson entertained a motion to come out of executive session. The motion was moved by Comm. Lauriat; seconded by Commissioner Dyer. All voted in favor; and the machine was turned on.

At 10:22 p.m. Commissioner Lauriat made a motion to write a letter to the Board of Aldermen regarding 550 River Road which was discussed in the executive session. Commissioner Tate seconded the motion; All voted in favor; motion passed.

13.0 Comments by Members
There were no comments made by members during the meeting.

14.0 Adjournment
At 10:22 p.m. Chairman Harbinson entertained a motion to adjourn. Commissioner Lauriat moved the motion, seconded by Commissioner Tate. All voted in favor; meeting adjourned.

Minutes prepared by________________________
Anita Shortell, Secretary