Call to Order

Present: Tom Harbinson, Chairman
Bill Dyer, Vice-Chairman
Joe Welsh, Commissioner
Sheri Dutkanicz, Commissioner
Jim Goodman, Commissioner
Ed McCreery, Commissioner

Also
Present: Teresa Gallagher, Conservation Agent
Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:00 p.m. All in attendance recited the Pledge of Allegiance.

Chairman Harbinson said he needs to amend the agenda to add the modification to the development at Soundview Ave as presented by Mark Darby.
Commissioner Dutkanicz MOVED to amend the agenda to add P&Z Applications 12-15 & 12-16, development applications on Soundview Ave. modification by Mark Darby. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

B. Approval of Minutes
Commissioner Dutkanicz MOVED to approve the minutes from the August 1, 2012 Regular meeting. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.

C. Public Portion (items not on agenda)
None

D. Shelton Lakes Recreation Path, upgrade to handicapped-accessible standards. Status.
The Grand opening is scheduled for October 6th @ 9:30 AM. The tent will be lent to us by the Boys/Girls Club. We have musicians scheduled. Agent Gallagher said she is still waiting to hear from the Mayor as to whether he wants the event catered or whether we will just go out and get pastries and fruit ourselves and put them out.
Agent Gallagher presented the draft of the invitation for the event. There was discussion about the hike after the ribbon cutting. The Trails Committee is planning to have drivers take the hikers back to the start point at the end of the hike in Huntington Center.
The members spent some time talking about some of the details.

E. Trails Committee Report – Bill Dyer
Vice-Chairman Dyer asked if we could send a formal letter to the UHC volunteers thanking them for their help on the Paugusset trail. Vice-Chairman Dyer reported that he got a quote from Orange Fence for the removable bollards and the installation of 9. The price each is $275, with a total of $2475. They can install the 7 we need installed now at $550. The total price for 7 installed and 2 spares, $3025. They said they could install them within 2 weeks after receipt of the purchase order. I need to have this purchase approved by the Commission and the line item that the funds are to be taken from. I also need two other quotes. These are custom designed bollards so I would have to get quotes for just the purchase of the bollards which would not include the installation and expect to have the City install them. The Trails Committee has identified the 7 locations.
They discussed what account this expenditure could come from. Chairman Harbinson MOVED to authorize Vice-Chairman Dyer and Terry Gallagher to get two more quotes for the removable bollards for the Rec Path, 9 total, 7 to be used now, and 2 to keep for spares. The quote should include the cost of installation. The cost is to not to exceed $3500. We recommend the account to be used is the Trails Committee Special Revenue Fund. SECONDED by Commissioner Goodman.

Vice-Chairman Dyer amended the motion to say if that Trails Committee Special Revenue Fund is not available that we use Land Improvements line item. SECONDED by Chairman Harbinson. All were in favor; MOTION PASSED.

Vice-Chairman Dyer presented a reimbursement request from Richard Skudlarek for gasoline and Lexan in the amount of $98.83. Vice-Chairman Dyer MOVED to approve the reimbursement for expenses for gasoline and Lexan for the kiosk at Lane Street in the amount of $98.83 to Richard Skudlarek. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.

Commissioner McCreery MOVED to approve the reimbursement for the replacement of the carburetor for the brush cutter in the amount of $136.57 to Terry Gallagher. Seconded by Commissioner Welsh. All were in favor; MOTION PASSED.

Commissioner Goodman MOVED to approve the reimbursement for shirts for the Trails Committee from Blanchette’s in the amount of $178.67 to Terry Gallagher. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.

Vice-Chairman Dyer said that a few meetings ago the Commission approved the purchase of the shirts.

Terry Gallagher presented samples of hats that they would like to be able to give to volunteers and sell at Shelton Day. The hats would have our Shelton Lakes logo. He talked about the cost per hat and what we could sell them for. Chairman Harbinson MOVED to authorize Terry Gallagher to get 3 quotes for 72 hats with the logo identifying the Shelton Lakes Rec Path & Trails as a memento to give to trails volunteers and to be able to sell to the public at events such as Shelton Day and the price is not to exceed $650. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.

Chairman Harbinson said that Civitella’s already has our logo. The line item would be Program Development.
F. Open Space Trust Account - Status

Chairman Harbinson stated that the ordinance does state that this account is to receive $250K appropriation annually. It was not included in the budget process proposed by the Mayor or that was presented by the Board of A&T or what was approved by the Board of Aldermen. The BOA realized at their last meeting that the ordinance requires they do the appropriation within 45 days of the fiscal year. They made a motion to appropriate the $250,000 from the excess General Funds. The Mayor returned from his vacation and vetoed their motion. The veto letter will be read at the next BOA’s regular meeting. John Anglace and I have had some discussion about the Open Space Trust Account ordinance. The Mayor would like to suspend the ordinance. I have personal opinions about it and have spent a lot of time with John Anglace preparing the ordinance. Agent Gallagher prepared some information for Theresa Adcox, the BOA clerk, to forward to John Anglace, the BOA President, regarding the funding that has gone into the Open Space Trust Account and expenditures that have been made for open space acquisitions over the years. 

When the ordinance was revised in 2006, there was an allocation in 2007, 2009 only $533,000 was added, 2010 there was $312,000, 2011 there was $315,000, and this year they have done zero. If you average it we are deficient by $89,000. I don’t agree with the averaging over time and saying that we met the intent of the law by expending money for open space because expending money for open space acquisition is different than appropriating money into an open space trust account.

I just wanted to let you know about the veto letter and there will probably be some discussion about modifying the ordinance or suspending the ordinance. I do not have a report as to how much funds are in the account. Commissioner McCreery pointed out that we have not had a report on this account in many months.

The Commissioners expressed concern about not knowing exactly what is in our account and we need monthly reports.

The Open Space Ordinance requires that we give an annual report. How do you do that when you are not given the information from Finance?

G. Budget Status
No report

H. Review of PZC or IWC Applications for Subdivisions and/or Developments

1. Old Applications/Monitor/Follow-up
None
2. New Applications

A. 550 River Road “Rivers Edge” – Presentation by Country Club of Connecticut LLC for a 36-unit condominium proposal

Peter Hughes, presenting the plans for what is now called “Blue Herring Cove”

Mr. Hughes stated that they are looking to at 550 River Road to do a PDD of a 36-unit condominium project with duplex and triplex units. Mr. Hughes pointed out the existing conditions of the site to the Commissioners. One site is 9.6 acres and the other site is about 4+ acres, and pointed out the project site. They would combine to make about a 14-acre parcel. The property is currently zoned SDA (special development area with an underlying of R-1) and a small piece of IA3.

Chairman Harbinson pointed out that this area is a transition zone. He pointed out the cemetery, Latex Foam, a single family residence with a dock, Southbank open space, Butternut Hollow brook, Ivy Brook, and noted the open space dedications to protect the headwaters.

Chairman Harbinson asked if they are doing a subdivision. Mr. Hughes said no, they would be doing a PDD. The parcel they are not keeping will be owned by Emhart, which is about 1.2 acres and is not for building purposes.

Mr. Hughes gave the Commissioners a history of the property. Mr. Hughes said that it will be labeled once they receive all the City comments. What they are proposing as part of the PDD approximately 9 acres as conservation area. There is an Ivy Brook conservation corridor, an upland corridor and the Housatonic corridor.

The association will take care of the maintenance. The area on the map in green is a conservation restricted area. They are addressing open space and have met with the planning staff informally. They have submitted the conservation restriction documents prepared by Dr. Michael Clemmons, who is a leading expert in habitat for wetland functions.

They have put together an overall open space conservation plan with restrictions and the City does have enforcement issues. We have provided public access to the river. 2 parking spaces will be provided for the public access. There is plenty of shoulder on River Road if needed for parking.

Commissioner McCreery asked what is the City advantage in utilizing a PDD process to allow more units than what otherwise would be allowed in the existing zone.

Mr. Hughes said it is a special development area that allows anything to happen. Commissioner McCreery asked why is this good for the city? Mr. Hughes said it provides $5-6 million in tax revenue. The road is a private road; therefore the city doesn’t maintain it. The sewer will be private, not maintained by the City.
The Commissioners and Mr. Hughes discussed the setback areas and where the
condos are placed within the setback.
They also talked about embankment stabilization.
Mr. Hughes said that they have not changed any activity on the site since the
submittal of the plans August 8.
All pavements will be pervious.
It was noted that it would be specific of the PDD that if the association wanted to
change the pavements they would have to come to the City for approval.
Mr. Hughes said there would be a water quality basin installed, which will be
maintained by the association.
Chairman Harbinson expressed his concerns about only having 2 parking spaces
due to the close proximity of Southbank.
They discussed the topography.
Chairman Harbinson said he would like to encourage them to consider public
access to the island.
Chairman Harbinson said going back to Mr. Hughes’ history of the site, I would
like to give you history from our perspective. The Conservation Commission at
times advocates for open space acquisitions. We primarily follow an open space
plan that protects greenway corridors. The Housatonic River is major greenway
corridor. There was a public petition to our Commission to acquire this property
at one time. At one point there was a complete 14 acre parcel. Typically when a
property becomes subdivided there is an open space dedication unless there is a
free-split on the property. My understanding is this parcel was created after
subdivision regulations were adopted there would be no possibility of a free-split.
We did not see an application that caused an open space dedication in a
subdivision.
Mr. Hughes said what we are saying to you is that it is not a subdivision. What is
going to happen is we are acquiring approximately 4 acres of the 5.2 acre piece
that was left over to bring this up to over 14 acres. The parcel left is not for
building purposes. The statute (8-18) which defines subdivision, say it has to be
for sale, buildable or transferred. This is not for sale, it is not for building and we
are going to label it as such. There are still two pieces, not a third piece that
triggers a subdivision.
Chairman Harbinson said he is confused as to how a 14-acre parcel became two
parcels. It seems to me that there is a transgression of the past that has to be
corrected.
Mr. Hughes said that is what we are doing.
Commissioner Welsh asked why the extra parcel is labeled not for building
purposes. Mr. Hughes said it was just to clarify.
Commissioner Welsh asked why you wouldn’t want to build there. Mr. Hughes
answered that it was a super-fund site.
Chairman Harbinson asked if the extra piece could be used for passive
recreation purposes. Mr. Hughes said they are looking into it.
Mr. Hughes pointed out and discussed the conservation area. There was more discussion of public access. They discussed the bridge crossing and better stream corridor protection. They have identified the trees that are 18” in diameter for preservation. Chairman Harbinson said that he feels the Commissioners should take a field walk. Peter said he would meet them out there. Agent Gallagher asked for a copy of the language of the Conservation Easement. Mr. Hughes said he would email it to Teresa. The public hearing is the 26th. We need to comment by then. Chairman Harbinson suggested a site walk and then a special meeting. They discussed the view from the river to the development. Mr. Hughes said it would be minimal. The lighting would be recessed, “dark sky”.

I. P&Z Applications 12-15 & 12-16, Soundview Ave. subdivision modification
Mark Darby, Soundview Crossing, 245 Soundview Ave

Mr. Darby presented the original plans at the July meeting. There are two applications; two parcels. 5 acres on the north, 16 acres on the south side. There will be 3 lots on one side with a corridor of open space which involves the future Constitution Blvd. extension as well as the Iroquois Pipeline. The other lot has 7 homes, one being the existing home (lot #7). We are proposing 6 lots. Since then we have made some modifications, primarily because of the gas line. The gas line is not straight and they prefer not to have the road on top of the gas line. The modification proposes the same number of lots. The corridor for the future Constitution Blvd. is wider so that it will not impact the gas line. One driveway would be shortened if Constitution Blvd. is built and it would be reflected in the deed. The same thing would happen on the 16-acre parcel. We have modified the driveways and the driveway goes down the side next to Constitution Blvd. and the same type of mechanism would be in place where the driveway gets shortened right over to the future Constitution Blvd. Mr. Darby talked about the access to the interior lot by changing over the wetlands area to conservation area. We ended up giving the City 10’ more of open space. He pointed out the conservation easement area that would be deeded into one lot. Commissioner McCreery talked about requiring the conservation restriction be a recorded deed restriction, so successive buyers of lot #4 would be aware of it. There was discussion of stone walls.
Mr. Darby said that the conservation area that the CC wanted to preserve will now be impacted by a driveway going through it and the future Constitution Blvd going through it.

Chairman Harbinson read the letter from the CC to the builder that was written after the July meeting.

Tape 2, Side A

There was discussion of open space intrusion by the homeowners. They talked about the delineation and it was suggested using boulders.

Mr. Darby talked about Parcel A, lot #2 where they are proposing to re-construct, or finish the stone wall along Soundview Ave.

We are giving up 31% of Parcel A to open space. The open space in Parcel B is 2.8 acres, which is 13.5%. The average for both parcels is 17.7% for open space.

Commissioner McCreery MOVED to write a letter detailing the following for the revised plans of 9-05-12:

Regarding Application 12-15, Soundview Ave, 3-lot subdivision, Parcel A as revised through 9/5/12.

Dear Mr. Schultz,

The Conservation Commission recommends that the P&Z Commission approve the above referenced application. We commend the developer for the efforts to minimize the destruction of significant stone walls within the subdivision and the use of common entrance-way off of Soundview Ave for lots 1 & 2, and the proposal to re-utilize stone that is removed during the development of Parcel A to rebuild the stone wall along Soundview Ave, to the northeast of the entrance way to lot #2.

We urge the P&Z Commission to attach the following conditions to the approval:

• That the stone wall along Soundview Ave be retained as much as possible except for the proposed driveway cuts
• That the stone wall that traverses lot #2 and lot #3 be preserved as much as possible except to the extent necessary to remove for driveway and septic fields for lots 2 and the driveway for lot 3
• That the developer re-utilize the stones removed from that stone wall on lots 2 and 3 to rebuild the wall along Soundview Ave and to further utilize larger stones along the easterly boundary of the proposed lengthy driveway off Soundview Ave into lot 3 as to delineate the proposed open space from the driveway, so that we don’t have problems in the future of the owners of lot 3 encroaching into the City open space.

• Before any clear-cutting the developer should mark proposed limits of clearing as shown on the map
• Before any C.O.’s are issued for any lots the developer should mark any open space with appropriate signage as required by the Planning & Zoning Commission.
That the open space shown over the Iroquois Pipeline easement and where there is a possible future expansion of Constitution Blvd be designated as transitory open space on the subdivision maps as recorded in a manner similar to the Old Dairy Estates so as not to mislead any potential future homeowners of the possible usage of that open space in the future for Constitution Blvd.

Iron pins be surveyed and pinned at the open space boundaries before the issuance of a C.O. for the lots.

That the proposal of the driveway to lot 3 be abandoned upon any future construction of Constitution Blvd so as to allow direct access from Constitution Blvd to lot 3 be incorporated on the land records as a deed restriction that future owners of lot 3 are aware of that requirement.

That the developer communicate plans for specimen trees along Soundview Ave with the tree warden

SECONDED by Chairman Harbinson. All were in favor; MOTION PASSED.

Commissioner McCreery MOVED to write a letter regarding Application 12-16, Soundview Ave, Parcel B as revised through 9/5/12:

Dear Mr. Schultz,
The Conservation Commission has reviewed the above referenced proposed 7-lot subdivision located on the south side of Soundview Ave. The Conservation Commission once again recommends approval of the proposed subdivision along with the proposed designation of open space. The Conservation Commission commends the developer for its design and efforts to minimize the destruction of significant stone walls within the subdivision, the use of common driveways to minimize curb cuts, the minimization of excessive impervious surface area, and the maximization of dedicated open space. We urge the Planning & Zoning Commission to attach the following conditions to the approval of this project:

- That the proposed conservation area to the southeast portion of lot 4 be designated by way of a conservation deed restriction to be recorded on the land records
- That as in parcel A that the developer utilize large boulders placed approximately 15’ apart along the northeast edge of the proposed lengthy driveway to lot 4 so that the City does not have problems in the future with the owners of lot 4 encroaching upon the city open space.
- That the proposal of the driveway to lot 4 be abandoned upon any future construction of Constitution Blvd so as to allow direct access from Constitution Blvd to lot 4 be incorporated on the land records as a deed restriction that future owners of lot 4 are aware of that requirement.
- Iron pins be surveyed and pinned at the open space boundaries before the issuance of any C.O.’s for the lots.
• That the proposed limits of clearing be marked in the field prior to any clearing
• That the developer mark the open space with appropriate signage as required by the Planning & Zoning Commission’s regulations before any C.O. is issued for any lots
• That the developer work with the Conservation Agent to review the natural resources on the property prior to construction and in particular, stone walls that can be preserved wherever possible.
• That the open space where there is a potential for future expansion of Constitution Blvd and the Iroquois Pipeline Gas transmission easement be designated on the recorded subdivision map as transitory open space in a manner similar to Old Dairy Estates so as not to mislead any potential future homeowners as to the possible usage of said open space in the future for the expansion of Constitution Blvd
• That the developer communicate plans for specimen trees along Soundview Ave with the tree warden

SECONDED by Chairman Harbinson.

Chairman Harbinson asked, the piece of driveway that will be deeded to the City for the road expansion, you show the construction of Constitution Blvd as 60’ width, would there be a possibility of utilizing this as to what was previously a driveway area?
Mr. Darby said, they are going to need it for slope rights. They are not going to build the edge of Constitution Blvd on the property line.

Discussion

A voice vote was taken, all were in favor; MOTION PASSED.

J. CT DEEP “Means Brook Watershed Block Centennial Watershed State Forest, Vegetation Management Plan 2012 through 2021” – request for review and comment

Agent Gallagher emailed this to the Commissioners earlier. She said it is vegetation management. This is a courtesy copy of their vegetation management plan of invasive species. There is an opportunity to comment if you wish.

Jeremy Clark wrote this and was in the office looking up property lines and had nailed up the centennial watershed signs along the perimeter of the boundary lines and I have received some calls about them. I think the signs say something like “end of hunting” or “limit of hunting”. The residents were concerned and wanted to know more. He had a map that I was able to copy which shows the new hunting area for archery only along the Far Mill (Isinglass) reservoir.
Commissioner Welsh expressed some concerns about people encountering the hunters.
There was discussion about hunting. They said there is still a restriction of hunting on Sundays.

**K. Communications**
- Notification from Aquarion Water Company – application to discharge 4000 gallons per day of aluminum residual sludge generated from the production of potable water at Traps Falls into six lagoons.

**L. Quality of Life – Executive Session (land acquisition and security issues)**
Commissioner Dutkanicz MOVED to go into Executive Session at 9:47 to discuss possible land acquisitions and quality of life issues. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

Commissioner Welsh MOVED to return to regular session at 10:20 P.M. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

No motions or actions were made in Executive Session.

**M. Comments by members**
None

**N. Adjournment**
The meeting adjourned at 10:20 pm.
The next regular meeting is Wednesday, October 3, 2012.

Respectfully submitted,
Marianne Chaya
Clerk, Conservation Commission