Conservation Commission Meeting Minutes
November 2, 2005

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1.0 Call to Order/Pledge of Allegiance
Co-Chairman Tom Harbinson called the October meeting
of the Conservation Commission to order at 7:00 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, Conservation
Agent Jimmy Pjura.

Guests: Regis Dognin, Barbara Sheffer, Diane Byron,
William Schmalz, Roger Spinelli

2.0 Approval of Minutes of October 5, 2005
At 7:01 p.m. Commissioner Lauriat made a motion to
approve the minutes of October 5, 2005. Commissioner
Dyer seconded the motion. All voted in favor; motion
passed.
3.0 Public Portion

- Planting of Two Trees at Constitution Park – Regis Dognin

Mr. Dognin of 342 Long Hill Ave, Shelton, would like to transplant a tree which was donated by Mr. and Mrs. Conti of Shelton whose property was the homestead of Ed and Martha Hill. On their land is a purple beach tree, which is 125 years old, with a 15 foot circumference and nearby is a younger tree 15 feet in height. They would like to donate the younger tree to be planted in Constitution Park. Mr. Terry Jones, former Conservation Chairman, also has a tree he has donated to be planted.

Mayor Lauretti is in agreement to replant the trees. The cost is $900 to unplant, to replant, and to care for both trees. Mr. Dognin asked the Commission if it would be agreeable to take that amount out of its budget.

At 7:05 p.m. Commissioner Tate made a motion to appropriate an amount to transplant two trees at Constitution Park which was donated by Mr. Terry Jones and the Conti’s in the amount not to exceed $900. Seconded by Commissioner Lauriat.

The Commission agreed it was alright to plant a tree this time of year. Also, Chairman Harbinson asked if there was enough money in the Commission’s budget to fund the replanting. Chairperson Wilber answered it would be taken out of the Land Improvements account. All voted in favor; motion passed.

- The Letter Sent to Mayflower Lane Residents

William Schmalz, Diane Byron, Barbara Sheffer, all of Mayflower Lane, attended the meeting in regard to a letter sent by Agent Pjura about plantings, trees and structures the homeowners have located over the boundary line into open space.

The open space strip behind the houses on Mayflower Lane is 28 feet wide. Mr. Schmalz of 2 Mayflower Lane said he measured the back of his property and said 3 of his trees were 25 feet in from the wall, instead of 28 feet. He didn’t realize it was 28 feet at the time he planted the trees. Mr. Schmalz asked in a letter sent to Agent Pjura and to the Commission tonight if it was alright to let the trees stay.
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Also, Ms. Sheffer of 10 Mayflower Lane asked to not make her take the trees down on her property in her open space.

Commissioner Tate stated the concern of the Commission is to have a passable avenue along the stone wall for a trail to be built in the future.

Ms. Diane Byron of 6 Mayflower Lane has a shed, a playscape, and a perennial garden in the open space. She stated when she and her husband purchased the property a year and a half ago, they were told from the previous homeowners that there is a 20 foot open space between the stone wall and the back of the property, and that there was an issue with the Commission that the shed was one foot over the boundary line. The shed was moved away. Ms. Byron did not know of any other problem with the open space and did not know exactly what the open space footage was.

Commissioner Tate stated the issue was continuous encroachment. The Commission has to live by a certain dimension, and it is 28 feet. The Commission does not want to see structures in the open space. He said natural landscape is one thing, as long as it is passable, and to keep it within five feet of that line would be acceptable. There is a problem if there is a structure in the open space because if a resident did some damage to the shed, the City would be responsible because it is in the City’s right-of-way in the open space area. He would like the structure closer to the 28 feet line to have a passable lane, plantings within the five foot area closest to the houses, and not have anymore plantings within the 28 feet, but will grandfather whatever plants are there now.

Chairman Harbinson explained that when the Mayflower Lane subdivision was developed, the open space dedication from the developer for that development was this strip of land. Part of the intent of the open space was to provide the passive recreation of the trail to connect and extend the Blue Dot Trail through Stratford. The Blue Dot Trail is a rugged, natural, hiking trail and is known as the Pagussett Trail in this State. It is maintained by the Connecticut Forest and Parks Association volunteers.
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Commissioner Tate stated it would be the homeowners obligation to put a barrier fence at the line or natural vegetation if they wish to designate the boundary line. This boundary line should be marked with open space signs.

Chairperson Wilber suggested Agent Pjura send a letter to the individual Mayflower homeowners who have actual plantings there that the Commission is O.K. with it, and to give Ms. Byron a time limit to move her equipment out of there so, it will be passable in the future.

The Mayflower Lane homeowners in the meeting stated the real estate agent never told them the true amount of open space in the back of their property.

- **Randy York of 10 Long View Road**
  Randy York is a spokesperson for the Shelton Citizens Against Riverfront Environmental Disasters. This group is concerned about the metal hydroxide sludge that sits in the four or five acres of contaminated land adjacent to the land Mayor Lauretti purchased on the River Road. She doesn’t know what problems might arise when there is development on the Mayor’s parcel of land.

  She requested the Conservation Commission put the issue “back on the table”. She wants the Commission to look at the land for purchase for open space.

Commissioner Tate wanted to make the Ms. York’s request clear to the Commission. He stated that she said that this could be a contamination nightmare similar to the Love Canal contamination problem on the Niagara River. The 2nd issue is Ms. York wants the City to take that on in some form, and perhaps having the City purchase it so it would not become a development hazard. Ms. York said his understanding was correct.

In addition for more clarification, Commissioner Tate stated if there was a way the property was never developed and the City did not own it or take responsibility for it, that would be ideal, and with perhaps the State taking over the property. Ms. York
added, or to approach Emhart, previous owners of the property, and give the property to the City.

Ms. York said she knew the Commission did look at the property, but because of the contamination it was not recommended to be purchased, but another letter written stated that if the Commission had known about just the nine acres, the part that does not have a cap lagoon, that perhaps it could be considered to be purchased.

Ms. York said the sludge pit is capped with no plans to remove it, but it will always be there and will be a source of contamination. Commissioner Tate answered any industrial site downstream can be potentially contaminated.

She asked how can the community be reassured, if this development is allowed, that it will not disturb the chemicals, when the application goes before the PZC. Commissioner McCreery stated it could be a requirement of the DEP cleanup.

She said the property would be an asset to the Conservation Commission and the City as open space because this land is an ecological jewel rare fresh water tidally influenced wetlands, in spite of the contamination.

She asked if the Commission would be willing to have Mr. John Troutman, an ecologist, and her group bring everyone abreast as to what is to be dealt with on the property. She said Mr. Troutman could give us some creative ideas on how we might go about making a proposal for acquisition and her group could advise the Commission.

Commissioner Tate stated the Conservation Commission is an advisory group, so some issues with the land are Inland Wetlands Commission or PZC concerns.

Chairman Harbinson said every one needs to look at things in a hollistic manner, such as all of the Housatonic River, because there are a number of areas where the Commission has had issues with development and vegetation being cut, and with encroachment.
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areas. The Conservation Commission’s goal is to see a big picture.

Ms. York asked if the Commission was interested in the Mr. Troutman’s visit. The Commission answered, yes, it was. Commissioner Tate said any presentation should not exceed 45 minutes.

4.0 Subdivisions

Addition to the Agenda

Mr. Roger Spinelli – Mountain Laurel Ridge – Independence Drive

Mr. Spinelli read the requests of the Commission in the last letter he received from the Commission dated February 10, 2005.

Mr. Spinelli stated his company completed the Commission’s request to extend the rear lot line of lot 4 to intersect with the rear line of lot 3 which would create the buffer area needed to protect the open space that contains the Turkey Trot Trail.

Another request of the Commission was to require a deed restriction to enforce the conservation easement bordering Independence Drive. Mr. Spinelli stated all that will be done if he gets approvals, and he did make a note on the map.

Mr. Spinelli presented a recent map of the property and said he extended the conservation easement further to 60 feet to give it more protection. He will leave the map to show the present open space the Commission now has. He is proposing a walkway of 4 feet that will go into the proposed open space he will give to the town.

He received permission from the DEP on lot 1 to do tests for contamination. There will be a small area where the house will go on the lot. When someone drives on the street, nothing will be changed.

Chairman Harbinson stated the Commission started to see some developments where the open space and any trail use of the open space is integrated into the design from the start. It adds value for the developer to take that interest. Mr. Spinelli said he will make sure it is delineated on his maps.
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Mr. Spinelli stated everything is in place except for PZC’s public hearing on November 29, 2005.

- **Any Pending**
  There were no other pending subdivisions.

5.0 **Communications – Harriet Wilber**
Communications received are as follows:
- The Open Space Trust Fund received a $3500 check from the developer of the Turtle Rock development, for fee in lieu of.
- Planning and Zoning Commission Minutes of October 25th.

6.0 **Approval of Meeting Dates for 2006 – Anita Shortell**
Ms. Shortell distributed the notice to be sent to the City Clerk regarding the meeting minute’s dates of 2006. The dates are the first Wednesday of the month. She asked if the Commission agreed with the dates. Since members of the Commission said Wednesday, July 5th would not be a good date because it is the week of July 4th, the meeting date for July would be changed to Wednesday, July 12th.

At 8:05 p.m. Chairman Harbinson entertained a motion to approve the dates for 2006 to be given to the Shelton Town Clerk with the modification of the change from July 5th to July 12th.

Commissioner Lauriat moved the motion. Commissioner McCreery seconded the motion. All voted in favor; motion passed.

7.0 **Request of Henry Mileski for Partial Use of a Conservation Easement – Tom Harbinson**
This is property on Old Coram Road where Murphy’s Lane turns into Old Coram Road. Waterview Landing formerly was Miles View. Henry Mileski was the owner of the property when he proposed the PDD subdivision called Miles View. He dedicated two lots as open space for that. There was supposed to be a conservation easement across the front of his home which was on the corner of that property.

He did not follow through with his Miles View proposal, and Royal Wells came through with the
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Waterview Landing proposal which gave more open space because the PDD had expired. Mr. Mileski still lives in the home and has asked PZC to allow him to build a 3 car garage at the end of his house where the conservation easement is.

Chairman Harbinson learned Mr. Mileski wanted to do an in-law attachment. Also, in Chairman Harbinson’s research, he found inconsistencies with the filing of the conservation easement and the PZC application. The Board of Aldermen is asking the Conservation Commission’s opinion.

After considering several options, the Commission decided it does not have any objection if Mr. Mileski matches it up with a replacement conservation easement area and a proper deed.

The Commission discussed the situation.

At 8:10 p.m. Commissioner McCreery made a motion for a letter to be sent to the Board of Aldermen and a copy to the Planning and Zoning Commission as follows:

The Conservation Commission having reviewed the request of Mr. Henry Mileski to use a portion of his conservation easement previously granted to the town which abuts 2 lots conveyed to the town as open space and which preserves, in part, a stone wall along the streetscape concludes that we have no objection to a portion of the conservation easement being utilized for the garage, provided Mr. Mileski offers to the City a replacement area, for an appropriate conservation easement in a similar amount as that is being used with the replacement area, subject to approval with the Conservation Commission, and with a proper new deed to the City of Shelton delineating the corrected conservation area.

Provided further that the applicant does not destroy, damage or impair the stone wall and trees that currently service the streetscape along the road.

Seconded by Commissioner Lauriat. All voted in favor; motion passed.
8.0 **Quality of Life List**  
*Updating of List – Ed McCreery*

Commissioner McCreery gave copies of the Quality of Life List to members of the Commission. The list will be discussed in the executive session.

*Letter to Landowners – Joe Welsh, Ed McCreery*

Commissioner McCreery handed the members copies of the letter to landowners to be sent to selected landowners. Chairperson Wilber said the content of the letter is fine, but would like it broken into several paragraphs to make it more readable. She and Anita Shortell, clerk, will restyle the letter. It will be E-Mailed to Chairman Harbinson for his input.

9.0 **Trails Committee Report – Bill Dyer**

Commissioner Dyer reported that:

- The Bridge to Bridge Hike was rescheduled to the fourth Saturday in October due to the weather.
- The UI property situation’s letter was given to the Board of Aldermen who did not have it on their agenda last month. Board of Aldermen President John Anglace was asked to please put it on the November agenda because there is a deadline of November 18th. The Open Space Commission also sent a letter regarding the situation. The Open Space Fund has funds to purchase the property.
- The builder of Turkey Hill Estates will create the trails in his subdivision. Commissioner Dyer stated every tree was removed on the property and said some of the the trees should have been saved.

In regard to the clearcutting, Commissioner McCreery suggested to Agent Pjura, for the next meeting, that he contact the towns of Stamford, Greenwich and Darien to obtain their Zoning Regulations on Tree Removal in subdivisions.

Barry Mucci, the developer, has a large sign on Turkey Hill Estates showing each of the lots listed and displaying a giant green area to show where the open space is located.

- Boy Scout John Lebate is working on Scout projects for his Eagle Badge project.
- The grant for the bridge over Silent Waters has been received. There will be a meeting with Bob
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Kulacz, City engineer, regarding the building of the foundations. It will be a metal truss bridge with a low deck with a good size railing that will sit well back on both sides.

Commissioner Tate said the Commission should look at other designs of bridges and will bring in a picture of one with a prettier design with a bow trestle that could possibly be used.

Commissioner Tate suggested Commissioner Dyer meet with the Mayor and Bob Kulacz, to tell the Mayor everything is ready to build the bridge, with safety items in place, and now will need the foundations.

- Boy Scout Spencer Tate received his approvals for the boardwalks for his Scout project. Models for the boardwalk will be presented in the next meeting.

- Ms. Teresa Gallager of the Trails Committee, took pictures of the Far Mill River/Trails. Mr. Royal Wells of Shelton will build a trail along his property as part of his Well Spring Estates subdivision approval. The Town of Stratford Trails Committee is interested in connecting with this trail. The Town of Stratford does have property within the boundaries of the City of Shelton. They work together.

Commissioner Tate stated the piece that goes from Route 108 to Meadow Street is not 100% finished. Most of it is done with woodchips and not with millings. Commissioner Dyer said Dean Cawthra of the Parks and Recreation Department, has to finish that portion.

Commissioner Tate asked why that portion has not been completed. Commissioner Dyer answered there was an agreement to use millings, but the City used woodchips because the millings were not available, so it was replaced with woodchips. The woodchips could be taken out if the woodchips did not work well, then millings would be used. Dean Cawthra will be reminded of the problem and replace the woodchips with millings.
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Because the Senior Center will have a connection to the trail, some members wondered if a firm, paved surface to accommodate the seniors should be provided rather than millings. The Commission discussed LOCEP funding to finance the cost of paving the trail.

It was suggested Commissioner Dyer, in his meeting with the Mayor and Bob Kulacz, to tell the Mayor that the Commission would like to pave the trail because it will connect to the Senior Center. In order to provide funding for the paving, the Commission would like to apply to use LOCEP money and to request the Mayor’s response.

10.0 Report of Conservation Agent – Jimmy Pjura

Landowners Program
- There was nothing to report.
  Kenneth Bullard, a resident of White Hills section of Shelton, will pick up his packet.

Violations of Open Space
- Mayflower Lane residents were in attendance to discuss their concerns. He will work with the property owners to see what proposal will work for them. Some yards are alright as they are now. Some landowners will need to move some things. They will have a year to do so.

- Hanging of Open Space Signs
- Old Subdivisions
  He contacted Tracy Lewis to finish putting the open space signs on Boehm Pond Woods and Deanwood Estates. Only some have been done.

The question is why was the bond released for Deanwood Estates. A letter has to be sent to the PZC saying the bond cannot be released until it has been properly signed. Agent Pjura has to approve the signing.

Agent Pjura was told that anything related to conservation in regards to the approval of a subdivision is to be followed through. It is his purview to make sure the open space has been signed and if that has not been attested to, why was the bond released. Every week, if it has not been signed, remind the PZC that it has not been signed.
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At 8:59 p.m. Commissioner Tate made a motion to send a letter to Rick Schultz, PZC Administrator, with copies to Allan Cribbins, PZC Chairman, and the Mayor explaining the situation.

Seconded by Commissioner Lauriat.

Agent Pjura will send the letter stating it is the Conservation Commission’s understanding that bonds are being released without the proper signoff with the Conservation Commission on signing of the properties. Jim Pjura, Conservation Agent, should inspect and ensure that the signage gets done prior to the bond releasing. As well as the inspection of the signage, he needs to see that the open space is in its proper condition.

Agent Pjura was told if there is any problem regarding the situation to let the Commission know.

All voted in favor; motion passed.

New Subdivision
- He met with Barry Mucci, developer, and signed the Turkey Hill Estates.

Grants
- He spoke with Chris Donnelly who said the America the Beautiful Grant has been signed and will be in the City Hall on Friday, November 11th. Also, he spoke with Dave Stygar, of the DEP, regarding the Above the Overlook Grant, who said the funds will be dispersed on November 17th.

ATV Activity on Sylvan Drive
- He spoke with Regis Dognin and Lee Thomas about ATV activity on Sylvan Drive. A chain was put up by the Tennessee Gas Company on their easement, but ATV riders can go around it. If someone is violating open space with an ATV, the police can enforce regulations according to State statutes and enforce fines or tell the parents. Police hand out two tickets per month, on an average, for ATV violations throughout the City.

If someone sees ATV activity on open space it is recommended that he/she take a picture to document it, and if possible, take a picture where the ATV
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was taken, such as a backyard and give the pictures to the police.

Bench on Howe Avenue
- Dean Cawthra will be removing the bench on Howe Avenue when the time permits. The plaque will be saved.

Slab Use Regulations
- Agent Pjura has copies from the Milford and Fairfield Recreation Departments on file which the Commission can use as models for the Riverfront Park and open space areas.

Litter on Pearl Bach Property
- Rich Cranson of the Pine Rock Park Association said the Association periodically performs clean-up walks of the Far Mill River corridor. Mr. Cranson spoke of the Shelton/Stratford border along the river and of the two towns working together. Agent Pjura gave him Teresa Gallagher’s phone number, per his request for future trail and open space issues.

River Bank Cleanup
- Nothing has been planned, as of yet. Agent Pjura said the fellow he met would call Agent Pjura to let him know of his future plans to cleanup the river.

11.0 Plan Update Advisory Committee – Jim Tate, Tom Harbinson
Planimetrics has prepared a compilation of all the components the committee has been discussing over the past years for the plan update. Each chapter was reviewed and some minor revisions were made. Planimetrics has some data that will be incorporated into it. This will become a draft plan. The Plan Update Advisory Committee will have a public hearing on the draft plan where people will be able to comment on it. It will be posted in the City website and City library for several weeks before the meeting. There are some traffic studies that have to be incorporated into the draft plan before it is presented. If there is any tweaking from those comments by the public, the Committee will change the plan accordingly. Also, the Planning and Zoning Commission will have public hearings to receive comments. In addition, the Board of Aldermen will have to approve the draft plan.
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In the future the Plan Update Advisory Committee will continue to monitor improvement programs including prioritizing their importance for departments, committees, and offices. Task updates will be given throughout the process.

12.0 **Zoning Regulations – Ed McCreery**

*Family Exception*
- There was nothing to report.

*Residential Height Restriction*
- The Commission discussed various height restrictions.

*Open Space Dedication in Zone Change Areas*
- Chairman Harbinson stated this item will come from the Plan Update Advisory Committee recommending changes for CRD’s, etc.

*Conservation Easements, Open Space in PDD’s*
- The Plan Update Advisory Committee will be recommending changes for the conservation easements and the open space in PDD’s.

13.0 **Quality of Life – Possible Executive Session – Tom Harbinson**

At 9:11 p.m. Chairman Harbinson entertained a motion to go into executive session for the purpose of discussing possible land purchases as related to our Quality of Life List. Commissioner Lauriat moved the motion. Seconded by Commissioner McCreery. All voted in favor; motion passed. The machine was turned off.

At 9:50 p.m. Chairman Harbinson entertained a motion to come out of executive session back into regular session. Commissioner Lauriat moved the motion. Seconded by Commissioner McCreery. All voted in favor; the machine was turned on.

No action was taken in executive session other than review of our Quality of Life List.

14.0 **Full Time Natural Resources Manager Position – Possible Executive Session – Harriet Wilber**

At 9:51 p.m. Chairperson Wilber entertained a motion to go into executive session to discuss the full time Natural Resources Manager position. Agent Jimmy Pjura left the meeting. Commissioner Lauriat moved the
motion. Seconded by Commissioner McCreery. All voted in favor; the machine was turned off.

At 9:53 p.m. Chairman Harbinson entertained a motion to come out of executive session back into regular session. Commissioner Lauriat moved the motion. Seconded by Commissioner McCreery. All voted in favor; the machine was turned on.

15.0 Comments by Members
Commissioner Welsh said he will not be able to go to CACIWC. Chairperson Wilber said the Commission would pay for anyone who wants to go.

Chairperson Wilber stated she met Attorney Tom Welch last week in City Hall. He said there was going to be an amendment to the Conservation Easement Ordinance. The Commission did not get a copy. The correction is that some place in the ordinance it has to be a particular form. He is making it more flexible. This will give it latitude.

Chairman Harbinson received a copy of the Board of Zoning Appeals Agenda for November 15th. He noticed on the agenda there were two items that were adjacent to City property.

One item is on Buddington Road, for a house addition that requires a change to the setback which abuts open space. The other item is for approval for a new residence construction on Tuxedo Lane on a lot where the applicant wants to reduce the setback from 10 ft. to 8 ft. to the rear of the property is City of Shelton.

Chairman Harbinson stated there was no Conservation Commission problem on either one.

16.0 Adjournment
At 9:54 p.m. Chairman Harbinson entertained a motion to adjourn. Commissioner Lauriat moved the motion. Seconded by Commissioner Dyer. All voted in favor; meeting adjourned.

Minutes prepared by___________________________
Anita Shortell, Secretary