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**Call to Order**

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

Also
Present: Teresa Gallagher, Conservation Agent
Terry Gallagher, Trails Committee
Marianne Chaya, Clerk
A. Call to Order/Pledge of Allegiance
Chairman Harbinson called the meeting of the Conservation Commission to order at 7:10 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes
**Vice-Chairman Dyer MOVED to approve the minutes from the November 14, 2012 Special meeting. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.**

C. Public Portion (items not on agenda)
Guy Beardsley, 276 Leavenworth Rd, reporting for the Shelton Farmers Market
The Farmers Market had its last meeting for the season on November 17th. We will not have a winter market this year, primarily due to the effects from storm Sandy. Then the snow storm that followed just pushed things down to the point where it’s not worthwhile to try and get it back again. I don’t know how Fred Monahan has done.
Chairman Harbinson said he read that the Monahan’s did say they will have a winter program.
Mr. Beardsley said that since they will not be using the building for the winter market the Parks & Rec will be parking vehicles inside the building.
Mr. Beardsley commented that everyone should get a chance to go to the Jones farm to see all the trees, decorations and winery. They have done a marvelous job with their entire operation.
The Commissioners thanked Mr. Beardsley for keeping the Commission informed as to the market’s progress through the year. Mr. Beardsley said that the market did very well this year.

Mr. Suresh Nadella, 32 Spicebush Lane
Mr. Nadella stated that there is a 15’ conservation easement in the back of his property. A lot of trees fell during the last storm. There are 4 trees that are leaning or I think may come down, and if they do they would hit the house.
Agent Gallagher went out to the property. She showed the map of the property and noted the 4 trees in question. The first tree is a large red oak, which is very nice. As far as I can tell there is nothing wrong with the tree except that it is very tall. The second tree is a hickory. It is spindly. If I were the property owner I would want to take it down myself but it is in the conservation easement. The third tree (oak) is definitely leaning. I would recommend taking it out. The fourth tree is a large oak, it is not leaning, it is right at the line of the conservation easement. The very top of it has a fork that is rotting away. I could see that one may need to be removed. If it fell it could possibly hit the house.
Commissioner Welsh asked how far the easement is from the house.

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Mr. Nadella showed his photos.
Commissioner Tate asked if he wants all the trees removed, to which Mr. answered, no, only the 4 Agent Gallagher just described.
Agent Gallagher said there are several other trees along the easement.
Vice-Chairman Dyer asked if Mr. Nadella is thinking the city is going to remove them.
Commissioner Tate said no, he is asking permission to cut the ones in the conservation easement.
Commissioner McCreery expressed concern about setting a precedent for clear-cutting conservation easements if anything could touch a house. It would defeat the purpose of a conservation easement. That is part of the risks of living out in the suburbs, that if a tree might fall on your house, you can’t clear-cut the distance of the trees back from your house.
Agent Gallagher said that you have to recognize that you could be setting a precedent because with all the storms we’ve had recently people are getting a bit sensitive to any trees near their homes.
Commissioner McCreery said by the same token, if a tree is leaning, like the one in this picture, I don’t have a problem with the owner cutting it down, or if there is rot or damage that is apparent. I just don’t want us to get into a situation when someone comes in and says I don’t want any tree near my house that could fall in the future and hit my house and I want to cut it down. That is not right.
Mr. Nadella said there are about 30 small trees in the easement.
They discussed the trees in question.
Commissioner Tate said that any tree that appears to be damaged I would have no objection to having it cut down. I would relinquish any inspection to the Conservation Agent. She could make a judgment on site as to which trees are appropriate to be taken down that would not affect the character or the health of the other trees. If there was a clear indication that a tree is in danger, that it should be taken down.
Agent Gallagher talked about not being exactly clear on these trees and that is why she wanted to bring it to the Commissioners. Discussion followed.
Agent Gallagher recommended the removal of 3 trees. The red oak should stay.
Chairman Harbinson confirmed that the Commission is ok with removing the 3 trees, leaving the red oak. That one could be re-examined in the future if you still feel the need.

D. Approval of the 2013 meeting dates
Commissioner McCreery MOVED to accept the following dates for the 2013 meetings. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.
Wed Jan 2
Wed Feb 6
Wed Mar 6
E. Trails Committee Report – Bill Dyer

Vice-Chairman Dyer said that he met with Dave from Orange Fence and we marked the locations for the removable bollards. They are ready to install the 7 we have marked.

We need to move 2 of the granite pillars at the Meadow St. crossing (on both sides of the street). They are too far apart.

We have been doing a lot of work cleaning up from storm Sandy. The Rec Path is good and we are working on other trails. The Rec Path area by the dog park was severely impacted. Chairman Harbinson commented that the volunteers have done a great job on the cleanup.

The fence rails at Silent Waters dam are growing mushrooms and it’s not in good shape. We are replacing them as we go along but what we are thinking about is maybe we should put in a purchase order for a significant number of rails (pressure treated). We would like to replace the top rail with a pressure treated rail.

Commissioner Tate talked about locust rails versus the pine pressure treated rails. He mentioned buying a bulk of the locust rails if we have a place to store them.

Vice-Chairman Dyer talked about the chainsaw safety course that Commissioner Dutkanicz is coordinating. We are looking at doing it either in January or February. We’d also like to include the Land Trust people. The training course would be held by Stihl and would be at their Forest Parkway location.

Trails member Terry Gallagher mentioned that they are developing a written safety plan. We bought chainsaw safety chaps. I went to a CFPA work party. We are basically doing the exact same thing as CFPA with the volunteers but we don’t have the same fancy equipment. We are trying to do the best we can with our volunteers. Probably over the next few months we will have a well-rounded, well-documented safety plan.

Vice-Chairman Dyer said that we will be having a guided hike on Thursday, December 27th @ 1 P.M. @ the Tahmore loop if it’s ok with the Land Trust. We figured we’d do it between Christmas and New Year’s when a lot of families have time off.
We are going to also plan ahead for a 6-month hiking schedule. Commissioner Dutkanicz said she got the idea from the Ansonia Nature Center. We can post these via email, blogs and Shelton Life.

Vice-Chairman Dyer stated that they will soon have a summary of the volunteer hours for 2012, including the Boy Scouts. Chairman Harbinson said this comes in handy at budget preparation time.

There will be a work party at the Tahmore loop on December 15th @ 8:30 A.M. to prepare for the hike on the 27th.

The receipt for reimbursement for the chainsaw chaps was presented to reimburse Terry Gallagher.

**Chairman Harbinson MOVED to reimburse** Terry Gallagher for the purchase of chainsaw safety chaps in the amount of $95.66. **SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.**

Vice-Chairman Dyer reported that they got the other chainsaw repaired. The cost should be about $80 at Bonner’s.

Terry Gallagher reported that he got 3 quotes for the trails volunteer hats. Blanchette’s was the lowest at about $650. Last month you made a motion to spend up to $650 for the hats. I just wanted to make sure everything was ok.

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**F. Open Space Trust Account – Status**

Agent Gallagher reported that there is no change in the balance (around $32,000).

Chairman Harbinson said that Finance has not made a comment about the Open Space Ordinance requiring that funds be added to this fund. If that is done, they should put the money into the account and then out of the account, just to wash it through, to meet the intent of the ordinance, so it’s documented, at the very least. I’m not a fan of that, but they have done it before and should do it again.

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**G. Budget Status**

Chairman Harbinson asked if we received the budget request for 2013. Agent Gallagher said no. Chairman Harbinson said that last year on November 30th he received the 2012 request from Lou Marusic.

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**H. O.S. 122,02 management – “Vistas of the White Hills” open space, East Village Road near Bona Vista Terrace. Potential removal of invasive brush to maintain meadow.**

Chairman Harbinson referred to various emails from Agent Gallagher regarding the invasive brush.

Agent Gallagher said that the question is, do you want to just let nature take its course or does this Commission want to actively management the meadow. If
you want to manage it, something has to be done now because the brush is really coming in. After this year (growing season) our window of opportunity is gone.
Commissioner Welsh said multi-flora rose, autumn olive is some of the invasive species growing.
Commissioner Dutkanicz mentioned the meadow at Osborndale, which is so pretty. There is so much natural wildlife.
Commissioner McCreery said that Commissioner Welsh could tell you what it takes to tackle an area that has gotten completely overgrown. It’s a multi-year process.
Commissioner Welsh suggested using a “flam” mover to grind everything up and let it come back. Then treat it as it’s re-sprouting. Then you can start mowing it. You need someone with a whole 5-year commitment. Since it’s a small enough piece, we could use it as an example of how it’s done.
They asked about the cost and Commissioner Welsh said for about 30 acres it’s about $50K over a 5-year period.
The Commissioners and Agent Gallagher discussed the size and soil type of this particular piece of open space. They also talked about other fields that are hayed.
After a bit of discussion of invasive management and letting an area totally go back to its natural state the Commission agreed that they would let the area go. For this parcel, it’s too small for the expense.

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

1. Old Applications/Monitor/Follow-up

i. PZC#12-17, 550 River Road “Blue Heron” (also known as Rivers Edge) – Presentation by Country Club of Connecticut LLC for 36-unit condominium proposal

Chairman Harbinson reported that Blue Heron received its approval from Inland Wetlands.
Commissioner McCreery asked if there were changes to the plan since they walked it. Chairman Harbinson said yes, they modified them to move the structures further away from the Ivy Brook corridor. I don’t know if they moved it enough to our liking.
Commissioner Tate said he would have liked to see the final landscape plan. Chairman Harbinson said that it is still open with Planning & Zoning but according to the minutes it seems they are in favor of the plan.
2. New Applications

i. UI application to CT Siting Council to build an electric substation and related facilities on a 6-acre parcel at #14 Old Stratford Rd adjacent to the Far Mill River

Chairman Harbinson reported that the Siting Council replied back to us acknowledging our letter.
Commissioner Welsh asked if they had a public hearing and Chairman Harbinson said he didn’t recall.
Agent Gallagher said it should be online.

Tape 1, Side B

The Commissioners talked about the new construction off Mohegan Rd and they wondered if this is something Conservation should be aware of. This is where there are at least 4 houses going in on Frank Dr.
Commissioner Welsh asked if we could ask P&Z if they marked the open space. They then remembered they may have reviewed the application some time ago.

The Commissioners talked about the apartment complex going in off Bridgeport Ave behind Planet Fitness. They remarked that they were never given the opportunity for comment. Agent Gallagher said there isn’t any open space. They don’t even know if there are any natural resources to be concerned about. They mentioned how this development fit into the Planned Development document. They did express concern that we are not getting referrals from P&Z on things that we should get referrals on. This is of a major impact to the potential future residents that we should have some comment on their site and the environmental aspects of the development.
Chairman Harbinson suggested that we should have some regular communication with Rick Schultz to see if there is anything we should be reviewing.
Commissioner Dutkanicz said that Conservation just isn’t about open space. This development could have a big impact on the community. There are environmental impacts from any development but we should get a chance to at least review it. Commissioner Tate suggested that we should review/comment anything where there are over 20 units.
Commissioner Dutkanicz said we should at least be allowed to have our voice be heard.
They agreed that there will be impacts to the Far Mill river and we should have had a chance to look at it and comment.

The Commissioners talked about the new cell tower that was installed on the Brownson Country Club property.
The Commissioners directed Agent Gallagher to request review of developments that have over 5 acres or 20 units.

**J. Communications (sent or received)**

None

**K. Quality of Life – Executive Session (land acquisition and security issues)**

Vice-Chairman Dyer MOVED to go into Executive Session for the purposes of discussing land acquisition at 8:30 PM. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.

The Commissioners returned to regular session at 8:50 PM. No motions were made in Executive Session. Chairman Harbinson will be contacting the property owner of the property discussed.

Chairman Harbinson MOVED to go into Executive Session for the purposes of discussing personnel review at 8:50 P.M. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED. Agent Gallagher and Marianne Chaya left the room.

The Commissioners returned to regular session at 9:10 P.M. No action was taken but recommendations were made in terms of the position and how to move forward with addressing the full time and part-time status.

**L. Comments By Members**

None

**M. Adjournment**

Meeting adjourned at 9:12 P.M.

The next regularly scheduled meeting is Wednesday, January 2, 2013.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission