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Call to Order
Present:  Tom Harbinson, Chairman
Bill Dyer, Commissioner
Hank Lauriat, Commissioner
Jim Tate, Commissioner
Joe Welsh, Commissioner
Ed McCreery, Commissioner

The Commission is currently 6 active members.

Also Present: Teresa Gallagher, Conservation Agent

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.

Approval of Minutes of November 1, 2006

Commissioner Lauriat MOVED to approve the minutes from the November 1, 2006 regular meeting. SECONDED by Commissioner Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Public Portion

Richard Widomski, 49 Christine Drive

Mr. Widomski mentioned and submitted a research report from the state regarding replacement trees for new construction. It just came online on November 13 and I don’t know if you included in there. At the meeting last night you had said you had mentioned meeting with the developer. Are the minutes available for that or are you meeting with the developer on Buddington Rd?

It was stated that all our minutes are available online.
Mr. Widomski said that he just wanted to submit the report.

Robert Thompson, 45 Belmont Ave.

Mr. Thompson said that there is a piece of land for sale on top of the hill at Laurel Heights – where it used to be the hospital. Someone is liable to buy that piece and put up an industrial type building up there and I don’t think it would be good for our area. We’ve already got Pitney Bowes looming down on us, or especially
the people that live right by there; I don’t. I live a couple of houses down. I spoke to the Mayor about this last year.

Chairman Harbinson said this was on Waterview Drive where Pitney Bowes is located. Pitney Bowes also own a couple of the lots that they decided they no longer need. It was in the paper about a month ago where they said they were looking to sell the parcels.

Mr. Thompson said it is about 26 acres. They have already put condos at the bottom of the strip. It would be nice if Shelton would put a park there.

Chairman Harbinson said they would take it under advisement and take a look at it.

Mr. Thompson stated that it would be a shame if they were to put another industrial building there and that Pitney Bowes does take care of their building but not this part of it that is for sale.

Chairman Harbinson said that the process the Conservation Commission follows in looking into parcels for purchase for open space is that this Commission is purely an advisory Commission; we have no regulatory authority other than our power of persuasion to the BOA and P&Z, who make the decisions based on their planning documents, statutes and ordinances. When something like this comes before us we look at the property, analyze it, make a recommendation if it is a worthy open space acquisition candidate. Normally we try to establish a relationship with the property owner and make them aware of what the City’s desires or needs are in terms of open space. We are not allowed to negotiate for price. We make our decision on whether a piece of property is worthy candidate for open space based upon our planning documents, such as our Open Space Plan and Plan of Conservation and Development.

Mr. Thompson said that he is interested in this since it is in his neighborhood and feels that his neighborhood would be behind this.

Julianne Skoczylas, 21 Belmont Ave.

Mrs. Skoczylas stated that she is here for the same reason as Mr. Thompson. We are here to show our support and would like for you to look at that parcel as well. We would like to have more open space and a place to walk our dog plus there are a lot of children. Our road is already heavily traveled as people use it to get to River Rd.

Commissioner Tate said that the current zoning there is industrial/commercial. In the Plan of Conservation and Development document, if you are interested in
bringing parcels to the open space element or to the City’s attention for purchase, you might want to look at this document to see first if it lends itself to that. The P&Z Commission uses this and gives them direction and one of the primary directions they are looking at is; the commercial land that is now zoned commercial would try to stay commercial. This is mainly to protect your tax dollar. The more we turn land into an under-utilized tax revenue, it is going to cost more to residents to support the other things we want, which is buying open space or having that quality of life. We will certainly look at those spaces but I am just saying that if it doesn’t follow the plan I would tell you that it is rather unlikely unless there is some great grant situation or some great outcry by the community to overturn that kind of thing. I would think that it would pretty much have to be an overwhelming response to try to change a zone or take commercial land out of the tax base. That’s a tough thing I would tell you to do.

Mr. Thompson said that Pitney Bowes pays their fair share of taxes.

Commissioner Tate said that you don’t really want those types of people to leave town now. We have enjoyed some good escalation. Everyone has probably gotten their new assessment and you can see where things are heading in Fairfield County. One of the reasons people live here is for the tax reasons.

Mrs. Scozylas agreed but said that is only one reason for living here and the progress since she moved here 18 years ago is overwhelming.

Commissioner Tate said that we have to do the best planning and management we can. We really appreciate it when people bring these properties to our attention.

Mr. Thompson said instead of a ballpark maybe the City could put in a dog park. They have one in Milford and they ask where I’m from and seem to look down their noses at us when they find out we are from Shelton.

Commissioner Welch said that all our trails allow dogs on leash.

Chairman Harbinson said that all our trails allow dogs on leash.

Chairman Harbinson said that Ann Walsh has given them the map/lot information and they would take a look at it.

**Review of P&Z Applications for Subdivisions and/or Development**

*Lava Real Estate, PZC#06-27 (Commerce Drive and Bridgeport Ave.)*

Chairman Harbinson reported that Planning & Zoning approved the basic development plans of 12 units, down from 16 units. The detail plans have not
been received by P&Z yet. I/W Commission have accepted the plans for review and will take it up at their meeting on December 14.

Commissioner Lauriat stated that when Commissioner Tate mentioned about the City trying to hold onto commercially zoned land is a good thing because of the tax base. Somehow that went away to accommodate these 12 condos. That land is zoned light industrial. So how did that slip through our Plan of Development?

Commissioner Tate said it didn’t slip through; that was a decision that our Planning & Zoning Commission made.

**Bishop Development, PZC #06-41 – 865 River Road**

Chairman Harbinson stated that this is the old Master’s restaurant. This was a special exception for site plan approval. They have knocked down the building. P&Z and I/W have approved it. It is right next to the Far Mill River and because it was a simple site plan approval no one thought it was worthwhile to have Conservation comment on it. A couple of weeks ago I was coming from Milford and saw a couple of kayak boaters there and I stopped to talk to them. As it turns out the Far Mill River from our Gristmill Trail to that location is one of the top kayak locations in the state of CT. There are some pretty serious drops, like 10-12’ plunges down some of those old mill dams. This is also listed on the white water rafting websites.

Commissioner Tate asked, what does this mean for us?

Chairman Harbinson answered that the Trails Committee was referred to in the P&Z minutes as working with P&Z to highlight some parking spaces and access to the open space. It really should come from Conservation as to how that works.

Commissioner Tate said, just for clarification; we had no knowledge that there was any decision or input needed from Conservation prior to that planning approval being granted?

Chairman Harbinson answered, correct.

Commissioner Tate asked, so how do we in the future get noticed? Wouldn’t that be the planning staff?

Agent Gallagher said that she spoke with Rick Schultz about this. I wanted to look at everything that comes in so that I would be able to make the decision as to what Conservation sees as opposed to Rick making the decision as what to Conservation sees. I think I am in a better position. Every Tuesday morning
(except the second Tuesday, due to their regular meeting date) I am going to come up here and sit down with Rick and he will let me know what the new applications are.

Commissioner Tate stated so now under the approval the Conservation Commission should now make some letter or statement that we are to allow trails access or provide, or accept, or something of that nature.

The members discussed the condition of approval.

Commissioner Dyer showed the members the drawings and showed the property owned by Stratford. He showed the path of the trail and the embankment.

Chairman Harbinson read from the condition of approval which stated that the applicant shall work with the Trails Committee in designing a walkway for fishermen and hikers to the Far Mill River and provide for designated on-site parking for the trail users.

We will leave it with the trails committee to look at what is there, how it's being used by the public, and what would facilitate public access to that by the developer.

**A & A Brothers Inc., IWC#06-42 – 163 Long Hill Crossroads**

Chairman Harbinson reported that this is a proposal for a light industrial office park. Inland Wetlands has received an application and it has been tabled. Agent Gallagher pointed out and detailed the area of the proposal. The back part of it is within our greenway. Originally I/W Commission approved a similar proposal back in 1998 that required some filling. The condition of approval is that there was a big mitigation area. They started doing it and filled in the wetlands but never started on the mitigation. The permit expired so they have to come back for another permit. The new site plan is more intense than the other one and there is only a small area of mitigation. I suggested to John Cook, because I/W is looking for mitigation that maybe we can have a conservation easement or an open space donation that encompassed this area. He thought maybe they would be open to that.

Chairman Harbinson said I would prefer open space dedications instead of easements.

Commissioner McCreery suggested leaving it as an option or at a minimum a conservation easement. Then it can’t be built on and still gets preserved.

**Commissioner McCreery MOVED to authorize Teresa Gallagher to write a letter to the Inland Wetlands Commission requesting that the wetlands and**
all uplands to the south of those wetlands be donated to the City as Open Space “in fee” or at least a Conservation Easement be applied to that area due to historic filling of wetlands. SECONDED by Commissioner Tate. A voice vote was taken, all were in favor, MOTION PASSED.

Shelton River Front Development, PZC#06-48 – Upper Canal Street
Chairman Harbinson showed the plans. This is probably the most substantial impact to our community for the next umpteen years. This is the proposal by Primrose Development, Mr. Guedes, to redevelop upper Canal Street.

Commissioner Tate and I have gone out to the site again after we as a Commission did this in July. We looked a little closer at some of the locations and we have some thoughts.

Commissioner Tate said I think some of the members or associated members to the Conservation Commission have written, as individuals, their opinions into the record. What we are trying to do now is to put together an overview from the Conservation Commission’s thoughts. We had done this once already at the request of the downtown committee, Jason Perillo. I understand that we were one of the only Commissions that did submit a review of that original conceptual plan. Some of the thoughts we had given in that letter have been reflected on the plan. Specifically was the protection of the river walk.

It should be clearly noted that the river walk is the City responsibility. It is the land or the ability to be able to co-exist with this developer and make this Riverwalk happen I think is on the burden of the developer. The actual funding, the design and the engineering that goes along with this Riverwalk will be the burden of the City at some point, along with street and utility improvements that go along Canal Street. That includes some impacts that may occur along the canal and some other things that we don’t know at this time what that responsibility is.

As far as this Commission is concerned I think we’re trying to look at maybe not the development itself, but as a master plan of how the river is affected, how the locks and the historic significance of that end (northern end) of the development may affect the aspect of public access to the dam and the public fishing area.

Also as you come down along Canal St. to be able to enjoy at least a sense of open space that may occur along the canal and not to lose the historical significance of the downtown canal area.

There are some points that we can discuss.
1) From the original conceptual plan at the southern end (old locks park), we, as the City should agree to a master plan for a park or open space, whether Mr. Guedes builds it or not. It is great location. It has great use, sight line, vistas, poor access for vehicles. To be able to provide for space is probably the primary consideration we would have. According to this plan we may have some parking available for public use as well as an expanded green space of the locks area.

Commissioner Dyer asked if it was enough and Commissioner Tate felt it should be realistically.

2) We have to make sure we allow for either easements or enough space to be able to provide for an “acceptable” Riverwalk along the river. I personally prefer the Riverwalk to be engineered to go along the river. I think it would be expensive and the community would really have to want it. We also have to consider some connections that create some detailing that need to be looked at. The reason I bring this up about the Riverwalk and easements and setbacks is that there has to be some pre-design by the City on the viability that this Riverwalk can be done with this development plan the way it sits. I have not heard that to date. I would feel more comfortable as the Conservation Commission to accept this project if I knew that someone had paid equal attention to the alignment of the Riverwalk.

Commissioner McCreery said that in the past, like with the Rec path, where the City seemed to be dragging its feet to get the engineering aspect done, we’ve dipped in our budget to hire the engineer and architect to get the job done. Maybe we should consider it.

Commissioner Tate said that the City has selected an architect engineering concern to take care of the State funded section of the Riverwalk. I think that some type of conceptual engineering should be done now rather than waiting until after the development was in place before building the Riverwalk.

Commissioner McCreery said that if that was the case then probably SEDC is overseeing it and we should write a letter.

Commissioner Tate said that in the letter we encourage that there be a review from that concern that tells us that this is viable.

3) We have to allow for options or flexibility within the site plan to allow for either ancillary parking more green space where the opportunity exists. That is already sort of addressed by the developer by saying here is my master plan and I don’t feel comfortable giving you more detail, but I will be in with individual site plans for each parcel with your opportunity for you to review. We have not had this developer come before this Commission. I would encourage for the developer
bring each site plan to this Commission, just like they would for every other Commission. We are advisory, not regulatory, but I think they would get valuable insight from the public by going through this Commission.

4) The development needs more green space to generate a look of “not a project”. I think some of the successes of some of the rehab of older builders are created by courtyard venues so people can enjoy and feel like they are in a little park or private space. There needs to be some acknowledgment of the fact that for each development parcel there should be some related green space. If that space is an extension to the Riverwalk then it should be a free, direct access to the Riverwalk. Some locations on the plan it appears there is a parking deck that would create some difficulties to get to the green space. This is how it is viewed from the conceptual viewpoint. On a site plan you could address the issues.

5) Some locations where buildings are immediately adjacent to the Riverwalk. I don’t see how that is acceptable as we have all walked this site and the alignment several times. The scale of having large or taller structures very close to an area where you can’t have any place to go (such as the edge of the riverbank), it creates a little bit of an uncomfortable feeling. You have to make sure that there is adequate space and scale so that you feel like you are not going walk over to the edge and you have the perception of using all the space. Those things have to be studied. You may have to make modifications to make the Riverwalk or green space corridor usable.

Commissioner McCreery commented on other river front examples.

Commissioner Tate continued by saying that he thinks there are some opportunities to take the canal area and turn it into a linear park and offset that parking in some other venue; perhaps a parking garage, maybe some other location, or removal of some site structure in the master plan. The parking configuration between Canal St. and the train tracks I think does not work because of the tremendous amount of curb cuts, it only accommodates very few cars, and there are landscape islands that will not support any vegetation. It looks great to accommodate the parking requirement but I think it’s just a commercial direction and we are trying to make this a residential project.

I think this is going to be basically a residential project with mixed commercial use. It is going to have a tremendous amount of pedestrian traffic rather than vehicular traffic. I would rather see the developer look at pedestrian movement as much as vehicular movement. This provides a great opportunity for the City to put some bikeways and have limited parking. This would account for having this loss of green space on the interior where he wants to build the square footage.
You would also need to have the engineering plus an environmental consultant to study Canal Street East. This area should also be looked at. I am concerned that the physical look of this major project, we will have lost the opportunity to have “green space” when we pull it in and loss of perceived open space with the loss of the canals, etc. Just as we border the Riverwalk and that green connection, it would be nice to be able to make the green connection on the Canal St. side. I think creatively you can come up with something better than what I see on the master plan. I would ask that the developer go back and take a look at this. It is apparent to me that the focus seems to be on return of square footage and return of meeting the regulations as of right, but maybe not returning what’s best for that master plan of the downtown area. That is what concerns us as a Conservation Commission.

Agent Gallagher added that a lot people don’t realize what is going to happen with this Riverwalk. If you look at the existing Riverwalk most people who use it turn it into a loop. They are going to turn this (shown) into a loop. You are going to have much higher density of users. Right now not many people use it because it is so short. When it gets connected it will be connected with the Derby greenway you will get a lot of pedestrian and bike traffic and will all be coming back on Canal St. whether you want to or not.

Commissioner Lauriat asked if this is age restricted, because if it’s not the traffic could be significant.

Commissioner Tate stated that he feels the City has been very smart in looking at the bikeways and systems. We have to be very careful in this planning and we have to get this out in the open now to get the best plan. The one thing, even though it may not be in the purview of the Conservation Commission, is that there has to be a safety net of overflow parking accommodation. If this site can’t carry the proposed parking movements there has to be some place where you can put a parking garage or maybe another level on a parking garage, or where a street can be widen, or that traffic control can happen, or Route 8 southbound is opened up, or Bridge St. is expanded. That provision has to be in place in order for this to go forward the way it is right now. There is just no way you can accept working within the box and not looking at the periphery and making sure you have that safety valve in place. I am sure that someone has thought of that in the planning stage. I have not heard of that and did not hear that presented. I didn’t hear anything presented except the quality of the construction, which is great, and is not the issue here. Our issue is what does the traffic impact mean to the environment and what does that mean in terms of loss of green area? What is the impact on the canal? We heard that we have to expand to accommodate the parking. We heard that the roadway needs to be widened. We know the utilities have to go underground. That necessitates a 20' widening
right there. It is a very expensive operation. The reality is; it’s a big project, so you have to spend the money to do things right.

6) We should incorporate some more “green practice” or “green design”. I relate that to stormwater management. Those things really have to be understood to the level of what that protection is, at least from our Commission, to be comfortable that all this development is going in that situation, in that particular location, because of the river being there. We all know that along the river there has been remediation ever since I can remember and is still going on and being monitored by the DEP. I think this is a good opportunity to see what is needed to put in place that would be sensitive to the environment long-term. I think that all can be accomplished with re-looking at the canal strip and how that open space can be better utilized.

Potentially the canal may serve as a stormwater management vehicle rather than having expensive systems buried creating expensive maintenance issues for the City. I don’t see that the individual associations will probably be developed here. It will be commercial entities or multiple use tenants that will rely on the City to help maintain the integrity of this.

Commissioner McCreery asked what role the Commission wants to go with these points.

Commissioner Tate said that he would like these points addressed in a letter to the developer and to Planning & Zoning.

Commissioner McCreery said, as we’ve said all along this is where they tried to put in as much density as they could. You are going from a low-rise riverfront to a high-rise riverfront. In my opinion it’s too dense but we are kind of beating upwind at this point. Everyone is so pleased that someone is offering to come in and spend their money to fix up downtown Shelton. They are not really opposing any thing at this point to do the things you are talking about, which is addressing where the people are going to go and how they are going to get back. You took the canal, and in my opinion should not have been filled in; it should have been restored like San Antonio restored their canal. Then you would have a real topic of a downtown focus point.

Commissioner Lauriat said he asked Jim Ryan if they were going to rename Canal St. after they fill it in to something more appropriate. He didn’t think it was funny.

Commissioner Tate said to Commissioner McCreery that he should voice his opinion and say that some element of the canal should be protected.
Chairman Harbinson said that it was never meant to be a city street. It started as a rail sideline to serve other factories. It became a city street and now if there is going to be any kind of development there it is going to have to be brought up to a city standard street. That means filling in part of the canal. I like what Jim is saying in that let’s try and keep some element; recognizing that we do have to do some improvements in the infrastructure of the street which is going to impact the existing canal which is already somewhat disjointed.

Commissioner McCreery said I don’t want to lose credibility by suggesting now to preserve the canal and I don’t see it happening, so if we are going to suggest they reduce the density so there is adequate parking so we can get the silly little two trees, four spots, two trees, four spots, all the way up and maybe make that a linear greenway with maybe the loop coming back that you really would make it a much nicer project. Since it’s a PDD, P&Z can lay any ground rules they want.

Chairman Harbinson said that Jim mentioned maybe it was beyond our purview about having the release valve in terms of parking and infrastructure. I don’t think it’s beyond our purview because if we are talking about having a better green space, walkway, bikeway, and preserving the character of the old canal, that means losing some of the parking they are proposing. That relates to where would that parking go or what structures might be lost. It all does relate.

Commissioner McCreery added that the reality is that there isn’t a vacant piece of land that you can say, oh, we’ll build a parking garage when we need it. If you want to get rid this parking where what is now the canal you have to reduce the scope of the project.

Commissioner Tate stated that the reality is when you have development down at the river you have to consider people are going to want to have boats or additional vehicles. Where are they going to put them?

Commissioner Welch asked if the fishing pier and kayak ramp done by the developer.

Chairman Harbinson answered no. It’s kind of unrealistic to have that there.

Commissioner Welch said it’s unclear and I assumed it was part of his project and he was building this as a selling point. I would say to do something similar like Cornell St. where you look down the street you can see all the way down to the river. Keep a couple of pockets between these buildings that are substantial so you get river views as you drive along.

Commissioner Dyer made a comment about the fact that there will be a lot of dogs and where are they going to walk them? I think the motion should include a
reduction of the size of site G, giving us a small pocket park for the residents of both the buildings and people in town.

Commissioner Tate said he feels the issues of those elements to our P&Z Commission. I certainly like to remind them and help them of the concerns. It is their regulatory obligation. I think our expertise may be more in understanding how this site plan relates to the ground level and the open space characteristics and use characteristics that we’ve become accustomed to here in Shelton that we would like to protect.

Commissioner Dyer MOVED to authorize Commissioner Tate to draft a letter regarding the Shelton river front development, based on comments and points made at this meeting, to be circulated to other Commissioners via the public Google email group and to come up with a consensus by next Tuesday. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.

Chairman Harbinson stated to the public that this Commission is made up of volunteers and that we have limited time so we communicate by email some times. To satisfy the FOI laws, anytime there is communication that is recorded, whether it is a voice mail, or the tape of a meeting; it has to be available to the public. The FOI staff, who gave us a presentation last week, they do not have adopted regulations regarding email. They haven’t caught up to that. They have some draft regulations that they put together a couple of years ago. For us to try and satisfy that about a couple of years ago we tested a system and adopted it as policy this year. When we send email to each other it goes to a Google group website and is immediately posted there and anybody can view it. It also applies to any attachments such as digital photos, videos and word documents.

Chairman Harbinson stated that he wanted to mention that when Commissioner Tate said no one else commented when the conceptual plan was first presented in the summer that Parks & Rec Dept. did send a letter regarding the Riverwalk. Their feeling was that the Riverwalk extension should go around the Birmingham building on the river. I believe the downtown advisory committee said the same thing.

Paez-Hopkins River’s Edge Subdivision, PZC#06-50 – 206-208 River Road
Chairman Harbinson said that this may not be anything for us to react to since P&Z has their public hearing scheduled for December 12. This is an existing lot going from one lot to two. It is near Trolley Bridge. It is a family relationship that is dividing the property into two. There are some P&Z regulations that exempt them from open space dedication.
Agent Gallagher stated that Rick Schultz did say the Commission could request a conservation easement along the river.

Commissioner Lauriat asked if this was an “as of right” kind of thing?

Chairman Harbinson said that this was in the area where the old trolley stops were, so it is pretty dense. We could ask for a conservation easement so that someone doesn’t cut down a bunch of trees.

Commissioner McCreery asked if we could ask that they not be allowed to clear-cut down to the river.

After review of the property the Commission thought a letter to P&Z would be in order to recommend a 50’ conservation easement along the river.

**Commissioner McCreery MOVED to have Agent Teresa Gallagher write a letter to the Planning & Zoning Commission requesting a conservation easement from the river’s edge to a line 50’ inland from the 100 year flood line to prevent clear-cutting of trees for the Paez-Hopkins River’s Edge Subdivision, PZC#06-50. SECONDED by Commissioner Dyer. A voice vote was taken, all were in favor; MOTION PASSED.**

*Any Pending*

None.

**Communications**

Chairman Harbinson reported on the following communications:

**Clear-cutting parcels – tree cutting ordinance**

The Board of Aldermen was sent the draft ordinance in September. I have received some feedback that they would like to have a joint meeting with our Commission to discuss it before they have a public hearing.

**River Ridge tree cutting – 865 River Road**

This is the Wes Blakeman development. The restoration plan was apparently completed and at the November 9th I/W Commission meeting they asked John Cook to go out and confirm that it was done appropriately.

Commissioner Tate asked if anyone knows what it looks like and what was the resolution. Agent Gallagher would look into it.

Chairman Harbinson said he posted a video of the area on Google.
Referendum
The results were affirmative for purchasing the development rights at the Jones’ Farm. Chairman Harbinson said he had Agent Gallagher look down in terms of district wise. Surprisingly the highest ratio of support votes was in the Long Hill Pine Rock Park area, which is the furthest away from it.

Commissioner Tate said the votes seemed to be pretty even across the board.

Commissioner McCreery said that the next time we have a referendum item for open space purchase we have to get an educational program out there. There were many people who said they did not notice the item on the ballot.

Commissioner Lauriat explained they need to educate the people on what would happen if a major development would come in and how much it would impact the education costs.

Open Space Ordinance
It was approved by the Aldermen in September and there was a little snafu administratively in the Mayor’s office but it was effective as of October 8, 2006, and should be referred to in the future as Ordinance #802.

Mr. Henry Mileski – 33 Murphy’s Lane
Mr. Mileski was asking to modify the conservation easement. I put this on the agenda just as a reminder for a follow-up to make sure P&Z and the BOA heard what we said. Agent Gallagher said that they had.

Birchbank Mountain area
Commissioner Lauriat brought up some questions and concerns regarding the sanitary sewers in the Whoville area. This was because someone mentioned that the State has come up with a request for schemes for grant monies to clean up the Housatonic River and they talked about GE getting tagged for millions of dollars to clean up there stuff in the river. When Terry, my wife and I walked up to Whoville (Who Land), and we noticed the little shanty’s sticking out of the water, and the only way the owners get in and out is they park their car in Oxford and use a boat to get to their home. Two things came to mind. One is the telephone pole that was sitting on our property, and I wondered who comes out to read the meters. The other thing that I wondered was, what happens when they flush their toilets, since they are below grade, hanging out over the river? I called Valley Health. The person I talked with, Dave, said he didn’t really have anything to do with it but he would pass it on to the guy who does. He went on to say that their knowledge of anything that has anything to do with sanitary sewers ends at the end of Birchbank. He said there is nothing to their knowledge beyond the end of that road that could possibly support a sanitary system. I told him the same thing about what I said before about wondering what happens.
when they flush their toilet, and he said, oh, we didn’t know that. I thought this might be an excellent use for state grant money to help these people out.

Chairman Harbinson said that he mentioned this to Jason Perillo at the EMS and he said that whenever a call comes in of an emergency nature from upper Birchbank Rd. the code that goes out is that they go out with their boat.

Former UI property on Buddington Road

Chairman Harbinson said last night the BOA looked at a proposal from Blakeman Construction. It was no different that what was proposed to us before. This is a piece of property owned by the UI. They determined that it was disposable and put it up for auction. The sole bidder was Blakeman Construction for $120,000. The City had the right of first refusal. The BOA, P&Z and the Conservation Commission unanimously confirmed that we should acquire the property as open space. We matched the bid by $1. The City has made their 10% deposit to the UI on December 7, 2005 and the final closing is scheduled on December 15, 2006 but we do have until February 1, 2007 to complete the transaction. The balance of the payment would likely come from the Open Space Trust Account.

Mr. Blakeman had made the presentation using a PRD type subdivision. Additional to that he has 6 items of direct benefits to the City if we did not buy it and allowed him to do a development. The only thing different is construction of approx. 4,600 linear feet of recreation trail. The trail would run from the Spooner parcel to Lane Street/Wesley Drive intersection. There is a dollar valuation of $375,000. I am not sure if that means if it the value of it or the dollar amount that he would do construction for in this proposition. I attended this special BOA meeting along with Joe, Bill and Terry Gallagher. My perception is that the BOA wanted to follow the same course of action as what had been followed when we said we first wanted to purchase the property. There was no motion to accept it and the motion to reject it failed. The result was there was no action. Alderman Anglace said that he would like to send a formal letter to the Conservation Commission requesting commentary specifically to certain points he wanted us to address.

Alderman Finn stated that last night we never authorized John Anglace to write any letter to you. This is the first I heard of a letter and if he writes would not be our views.

Other

Chairman Harbinson met with the Town of Orange on November 14th. Orange plans to create an Open Space Committee. Since Shelton was so successful regarding Open Space issues, they want to know how we do it. Terry Jones and Chairman Harbinson met with the First Selectman and Committee members, and
explained our open space plan, the open space trust account, etc, and the fact that they need good volunteers.

Chairman Harbinson explained that he had already informed the City Clerk of our 2007 meeting schedule in advance so that we could legally meet on our January date (Regular meeting schedule for the year must be posted within 30 days of any Regular meeting taking place), but it would be good housekeeping to have the Commission formally note our meeting dates.

**Commissioner Lauriat MOVED to establish that the Conservation Commission’s regular meeting dates meets on the first Wednesday of the month in room 303, at 7 P.M. for every month in 2007, except in July, where they will meet on the following Wednesday. SECONDED by Commissioner Dyer. All were in favor, MOTION PASSED.**

Chairman Harbinson stated that we received a resume (Carol Jacobsen) and an email from Cynthia Giancaspro indicating she was interested in becoming a member of the Commission. Cynthia was in attendance at the meeting and the Commission directed Cynthia to write a letter stating her intent and that the appointment would be made by the Mayor.

**Conservation Agent Report**
Agent Teresa Gallagher reported as follows:

**Open Space Trust Account**
Balance as of 11/30/06   $211,512.26
October deposit: J&D Country Builders (Twin Meadows) $25,000

**Project Safe Trails**
Boulders installed at end of Sycamore Drive by Parks & Rec have thwarted the ATV activity in the Huntington Wellfield Open Space and Land Trust meadow off of Lane Street. A certified letter was sent to parents of ATV users seen riding around the boulders and through neighboring backyards to get onto open space.

**Independence Drive**
Nothing new to report

**220 Soundview Avenue – Open Space Encroachment**
Conservation will follow Inland Wetlands lead with regard to the planting plan. IWC is somewhat backed up and no planting plan has been specified
Waterview Landing

This is regard to clearing of trees and brush in private open space overlooking Housatonic River witnessed as it occurred Nov. 9 by Chairman Harbine. Restrictions vary in private open space - cutting of brush and dead trees or dangerous trees is sometimes allowed. I attempted to locate the file for this development in P&Z, but it was not in the drawer. P&Z was backed-up due to vacations so I was not able to speak to Rick about this until Thursday, Nov. 30. He was not able to show me the file but said he was certain that such clearing was not allowed and that I could check the Town Clerk's records for deed restrictions (note: I did that previously and was told the records would be with P&Z.) This issue highlights the need for Conservation to maintain its own records so that when an issue like this arises, we can respond promptly. This is something I plan to set up - a separate file for each conservation easement and private open space, and these will be numbered, perhaps POS for "Private Open Space". I need to send a certified letter to the Association, but should check the site again before I do because so much time has passed and additional clearing may have been completed.

129 Lane St. – Scenic Lane Estates

Per Rick Schultz, the bond was released and there is nothing P&Z can do to have the Open Space property line located. Rick also recommended that Conservation have money in its budget ear-marked for property line surveys. Commissioner McCreery stated that when he joined the Conservation Commission 10 years ago we were making complaints to P&Z and the staff that they were not keeping track of the requirements of the subdivision approvals. P&Z attaches all these conditions and no one in town hall supervises it. A perfect example is where they are putting in a new home near Gray Street and Thompson St. They have the fabric filter fences by the drainage outlet, which feeds right into the brook and Far Mill River. The filter fences were knocked over and all the muck pouring right over the outlet. After a week I finally went to the construction supervisor to ask him to fix the fence and his response was that he was going to fix the drainage thing anyway and I said but in the meantime you have a couple tons of mud washing into the Far Mill River. He was just annoyed that I was asking him to fix it and I was annoyed because where was John Cook and others checking these sites.

Chairman Harbine said that when he encounters these types of things he would email John Cook. John is very responsive but he is just a one-man enforcement officer/department.

Commissioner McCreery commented that this was one (Lane Street) where we spent a lot of time delineating the open space. We attached conditions for the last 4 years and one of the requirements was that the developer was supposed to mark the open space. Don't they have a checklist?
Agent Gallagher said it was the way it was worded is that they have to be permanent readily visible markers. That could be interpreted by them as a concrete monument that may have gotten buried in the lawn or moved. I have a letter from Tracey Lewis stating it was there. I think it was there at some point but I don’t know what happened to it. I think we need to be more detailed in what is expected.

Commissioner McCreery said now we have to spend taxpayers money to go survey a property line that should have been surveyed before the developer could get the bond released; that’s the bottom line. That’s ridiculous.

Chairman Harbinson said I agree it is upsetting but we will do it, and prominently do it and note that it is because of the failure of certain people not doing their job. If they get chastised for that, then they so be it.

Agent Gallagher said that the monument could have been there and something since happened to it.

The Commissioners continued to discuss their recollections of what happened.

**Vistas at White Hills (Toll Brothers) – Maple Ave/East Village Rd**

Nothing to report. Conservation Commission still needs to decide whether to keep the parking area. Note that BOA requested that Toll Brothers install a parking area for public access to French’s Hill (letter in file).

Commissioner Lauriat said that at the last meeting he was asked to go there and take some basic measurements. I went there and found out that the wall that was destroyed that looks out on East Village is a 40’ notch taken there. The road that goes in there is 23’ wide. It would seem to me that they could fill in the wall a little bit and make it look as if it was professionally ended rather than just a jumble of rocks. If you go in about 150’ along that road, which narrows to 20’, you then enter a big area that I assume everyone wants to use as a parking area. On the left going in there is a pond, you can’t do anything there and on the right is the line of trees recently planted. Once you go down about 150’ the area for parking is about 150x75’. If you go another 200’ you get to where the trailer is. If you off to the left towards French’s Hill through all the overgrown brush you will find a stone wall but no pent-way.

Commissioner McCreery said that the farmers they spoke to regarding the farmland preservation program are very upset that the City is allowing French’s Hill to be overgrowing with Russian olive. Their position is – ‘you want to buy my land and preserve it for open space but look what you are allowing to happen on French’s Hill’. We are hearing that from a lot of farmers.
Commissioner Lauriat stated that the Land Trust is responding on our properties. There was some comment on the pent way and holding on to that little bit of pent way that is left. If you go in by Joe Wabuda’s house and where the Toll Brothers sign is where you can see the pent way off to the left.

The Commissioners discussed when they walked the property and how beautiful it was and what type of restoration they desire, such as removal of the trailer, return the stone wall, level out the top soil, a row of trees to define the parking lot, etc.

Commissioner McCreery MOVED to authorize Commissioner Lauriat to draft a letter to Toll Brothers regarding restoration of the open space at the Vistas at White Hills. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.

**Open Space Marking/Pinning**
We have the survey caps. Should we be charging for these? They cost us 38 cents each. The Commissioners decided to give them out for free.

Rick Schultz would like Conservation to rewrite item #26 of the standard approval conditions P&Z uses. This has to do with specifying how the property lines are going to be marked. Commissioner Dyer said he would work on the wording for the open space marking.

**Archaeologist Study**
I spoke with Dave Poirier at the DEP who recommends an archeology study of the City, which would run somewhere around $25,000 to $30,000. Grants may be available, and he gave me the name of Paul Loether, Deputy State Historic Preservation Officer, to check on the availability of funding. I have been unable to speak with Mr. Loether thus far. In addition, Mr. Poirier said that the State Archeologist, Nick Bellantonia, has some information in his files on Shelton and it may be possible to meet with him. Note: The State tends to be reluctant to share its information out of fear that it will lead to abuse of sensitive sites. I do have a Shelton map from them that show unlabeled circles.

**Other**

a. **Girl Scout "Me and My Guy" Bridge-to-Bridge Hike**: I have offered to help coordinate a City-wide event for Girl Scouts, of which there are about 750 in Shelton. The item will be discussed at the monthly Girl Scout Service Unit Meeting.

b. **Open Space numbering system**: I am in the process of assigning numbers to open space parcels acquired after 2003 and re-assigning new numbers to the
"Disposable" and "No Count" parcels. In addition, there are a few contiguous open space properties that I am renumbering, in particular the Overlook area properties, which are now 48.01 through 48.09. This way, information on these adjacent properties is all in the same file. Regis Dognin has the new numbers and is currently entering them into his draft open space map on the City's GIS computer system.

c. Thank you letter to DEP drafted re: Overlook grants.

d. Conservation's article in Shelton Life regarding scenic resources and conservation signage has been published.

**Trails Committee Report**
Commissioner Dyer reported as follows:

**Bridge over Silent Waters Dam**
We approved some modifications to the bridge. The delivery date is two weeks after we tell them to send it. I met with Dean Cawthra and Norman Nagy and we have a plan to bring in a cement truck. After the known expenses we still have about $12,000 left in our grant for a handicap fishing ramp, signs, etc. (items outlined in the grant for which the funds can be used)

**Leaf Grant for boardwalk and path relocation**
We are about 2/3 of the way done and there are pictures we have of our progress. The Commissioners all agreed it is looking great. We expect another Saturday or two to finish. We are going to spend about $3500 in materials. We did have to buy a significant piece of battery-powered equipment. I am proposing to reimburse Terry Gallagher $620 for the drill/saw plus other materials. It was determined it would be best for Conservation to purchase these instead of it coming from the Land Trust for future needs in the City.

**Commissioner McCreery MOVED to authorize the reimbursement to Terry Gallagher for the tools purchased for the construction of the Lane Street boardwalk in the amount of $620 (001-1300-414.60-01) plus the other related equipment per an itemized list prepared by the Trails Committee. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.**

It was determined that an inventory needs to be taken of all the City of Shelton equipment the Trails Committee has.

Commissioner Tate asked Commissioner Dyer when the bridge is coming in.
Commissioner Dyer said I need to know exactly when the foundation is coming in. Right now it looks about the week of Christmas. I think we will postpone it until January.

**Volunteer Recognition Memento**

We would like to have 36 mugs, which cost about $10 each, to recognize our hard-working volunteers.

**Commissioner McCreery MOVED to authorize the expenditure of up to $360 to acquire up to 36 Recreational Path mugs to be given to the trails volunteers in recognition of their efforts in completing the Shelton Recreational Path. The Shelton Trails Committee would select the recipients. The money would come from 001-1300-414.80-40. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.**

**Plan of Conservation and Development**

**Open Space set-aside of 15%**

Chairman Harbinson reported that he, Commissioner McCreery and Agent Gallagher had an email dialog regarding this subject, and it appears that P&Z is carrying through in trying to implement this. We will just keep this on our agenda to monitor it.

**Ensure public access to the Housatonic River**

Agent Gallagher distributed copies of the CRRA Plan for Public Use and Recreation for the landfill area. This is part of their closure plan of the landfill from 2001. Chairman Harbinson said I brought this up because this is one of the items called for in our Plan of Conservation and Development. That closure plan does have a significant element of recreation along the river. I don’t know how we can encourage that it be accomplished or moved along.

The Commissioners directed Agent Gallagher to get in touch with the Mayor’s Administrative Assistant Sandy Nesteriak to find out the status.

**Scenic Resource Inventory**

It was noted there is an article regarding this in Shelton Life publication.

**Open Space Plan Update**

Agent Gallagher has been working with Regis Dognin to complete the mapping. Commissioner Tate asked about a goal of completion. It was determined that it should be targeted for completion by the April meeting.
Quality of Life – Executive Session

Commissioner Dyer MOVED to go into Executive Session for the purpose of discussing land purchases at 10:00 P.M.. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.

Commissioner Lauriat MOVED to come out of Executive Session at 10:23 P.M. SECONDED by Commissioner Dyer. All were in favor; MOTION PASSED.

Commissioner Lauriat MOVED to send a letter to the owner and place in our Quality of Life list the property discussed that is along the Far Mill River. SECONDED by Commissioner Dyer. A voice vote was taken, all were in favor; MOTION PASSED.

Commissioner Lauriat MOVED to authorize Agent Teresa Gallagher to inform the owner of a piece of property we identify as parcel FM:C about Public Act 940 (Farm and Forest Tax Abatement). SECONDED by Commissioner Welsh. A voice vote was taken, all were in favor; MOTION PASSED.

Commissioner Lauriat MOVED to authorize the process of retaining an appraiser for items discussed for our Shelton Farm and Forest Protection Program – one for Applicant 1 of 2006 and a separate one for Applicant 2 of 2006. Both appraisals would be done to yellow book standard and yellow book appraisers in anticipation of using the appraisals for any grant applications. SECONDED by Commissioner Welsh. A voice vote was taken, all were in favor; MOTION PASSED.

Comments By Members
None.

Adjournment

Commissioner Welsh MOVED to adjourn. SECONDED by Commissioner Lauriat. All were in favor, MEETING ADJOURNED at 10:25 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission
2 tapes are on file in the City/Town Clerk’s office

NOTE: The Conservation Commission’s Clerk had a death in the family. Consequently, the minutes were incomplete by the FOI deadline (7days from
meeting = Dec13). A partial (2/3) version was however prepared and filed by the deadline. The full minutes were fully complete and available on the internet at 10:30PM Friday December 15, 2006 via our Commission’s Google Groups service that mirrors our emails to the public. In light of the recent FOI workshop, and given our circumstances, the Commission appreciates consideration toward our attempt to meet FOI rules by providing the partial minutes by deadline. All motions made during the meeting were available within 48 hrs from our Conservation Agent in City Hall.