

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting of Wednesday August 1, 2007 at 7:00 P.M.
 Minutes should be considered a draft version until approved by CC at their next meeting.

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Call to Order

Present: Tom Harbinson, Chairman
 Bill Dyer, Vice-Chairman
 Jim Tate, Commissioner
 Hank Lauriat, Commissioner
 Joseph Welsh, Commissioner
 Edward McCreery, Commissioner

The Commission currently has 6 active members.

Also Present: Marianne Chaya, Clerk

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

Commissioner Tate MOVED to approve the minutes from the July 11, 2007 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Public Portion

None

Trails Committee Report

Vice-Chairman Dyer reported as follows:

Planned Projects for 2007

Rec Path – Phase I

We are still missing a spec from the contractor.

Commissioner Tate asked Vice-Chairman Dyer if there was a survey done for the Phase I area? Vice-Chairman Dyer responded that there are maps.

Commissioner Tate asked if there is drainage we are putting in the pathway? My notes indicated that Terry Gallagher was going to do some type of marking noting where the drainage is needed and the City was going to put that in. Vice-Chairman Dyer said yes, there is to be drainage done but it has not been done yet. Commissioner Tate said he needed to know about the drainage for the spec as well as the pavement treatment. Was there any design generated yet for the entry and pavement markings to connect to the other one (cross Meadow Street)? Vice-Chairman Dyer answered that the Police Dept. would be doing the markings. Commissioner Tate asked a few more questions regarding signage relative to the development of the spec.

Commissioner Lauriat commented that his son-in-law did the signage for the subway system in Washington DC as well as most of the high-end storefronts in New Haven. I talked with him about signs for trails and he has done some and is willing to talk to Teresa about our needs. The Commissioners agreed that it would be ok for him to contact Teresa Gallagher about our signage needs.

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Commissioner McCreery shared photos from a bike ride at the Cape of signage and a paved path through a new subdivision where it is nicely landscaped and pergolas. He also showed pictures of another area where there is a solid board fence where there was graffiti.

Letter to the Editor

We did send a letter to the editor of the Huntington Herald and signed it from "volunteers", not the Trails Committee.

Connect Blue Dot Trail to Shelton Lakes

Chairman Harbinson reported that a letter was sent me as Chairman of the Conservation Commission from Gary and Barbara Sheffer, with copies to the Mayor, and Alderman's Kudej and Perillo. I forwarded the letter through email (Google group) and I contacted the Sheffer's.

Vice-Chairman Dyer stated that they came to the Trails Committee meeting tonight. They were here to talk about the alternative report and their questions were why not alternative 3 & 4? We answered them and said quite frankly 1200' on one road and 800' on another road compared to not walking on any roads doesn't seem fair to the hikers and putting however number of people on the elderly housing project road seems less than ideal, when we have a route that was planned. They kind of agreed and asked why don't we wait until the Markut property is developed and then have it go through that? I said that was not our charter. Our charter was to look at the alternatives that are available now. We came up with the four alternatives and our recommendation was the first alternative. But if it needs to go on Mayflower Lane for some period of time while the vegetative barrier gets built up, that's ok too. They said they prefer Mayflower Lane compared to our backyard, but not everyone in our neighborhood shares this preference. It was a good exchange of ideas from this meeting with the homeowners.

Commissioner Lauriat commented that where the new construction (Housatonic Rise) going on at Route 110 (across from Indian Well entrance) that when the heavy rains came down on Saturday there was a huge mess made on the road from all the mud that washed down. There was no silt detention. It was also amazing of all the tree removal.

Chairman Harbinson said that's what happens where there is no Wetlands staff when the only staff member is on vacation; he came across a wetlands issue as well on the Wilhelm property near the City Southbank property. I saw a break in the fence and thought, that shouldn't be there. I went over there and saw what appears to be about 10 dump loads of stuff that flattened and filled in the wetlands. A bulldozer created a road down to the Housatonic River. There was no one to call Saturday, Sunday or Monday. I called on Tuesday and was told John Cook was on vacation. They did send someone there and they did post a stop work order and now there will have to be a Show/Cause hearing. It is

amazing because this had to have been going on for weeks and no one from the City knew.

Vice-Chairman Dyer reported that Parks & Rec removed all the vegetation outside the new fence by the dam.

Preservative for Pedestrian Bridge

I spent most of the day applying a preservative on various bridges. We did the one at Silent Waters, Oak Valley, the boardwalk, and the one at Huntington Center. The bridge across Means Brook was in real need of it because it was splintering.

\$2500 State Grant

I gave Teresa items to be used for this grant and I believe she took care of it before she went on vacation.

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

Old Applications

Twisted Vine Estates – PZC #07-38, 26-lot subdivision of land abutting Birchbank Mountain, Open Space, Fox Hunt Road, Okenuck Way, Poe Place and Dickenson Drive (Map 174, Lot 11), by EVR Joint Venture

Chairman Harbinson commented that the IWC minutes mentioned that they were going to submit an updated plan. Our letter of last month had a concern. I have not seen any new plans of yet.

Commissioner Lauriat & Vice-Chairman Dyer commented that there was an article in the Huntington Herald about the proposal and that Alderman Finn was upset because they were not having a public hearing. According to Rick Schultz it's an "as of right" development and there is no requirement to have one.

Commissioner McCreery commented that when a subdivision does not have a zone change the Commission has the discretion whether to require a public hearing. The public can file a petition with about 25 signatures, to force a public hearing. They claim they had no prior notification to be able to do it.

There was continued discussion and they all thought that the homeowners would be allowed to speak at the public section at the PZC meeting.

Commissioner Welsh said that after the last meeting he thought about the two lots at the end of one of the cul-de-sacs that are larger parcels. Is there anything that would prevent those from being split in the future and would it impact the open space? I know we already commented on it but thought of this afterward.

Commissioner Tate stated that in our role we have to understand that private property owner also has rights. The rights to develop his property as per the town's regulations are his "rights". When someone does something "as of right" our impact should be the off-site impacts. The off-site impacts should be something like draining into open space. I think those are the type of things we should be commenting on. I think that if the property owner wants to put 1 lot or 30 lots on his property in an as of right development, there should be some protection against a neighborhood group, in a way, from coming and delaying it for an untold period of time. My feeling is that you have to protect the rights of that property owner as well as the others.

Commissioner Welsh said that he was just thinking of the protection of the open space in the long run. Commissioner McCreery noted that we put a comment in our letter that we recommend a conservation easement and that would remain whether there was a future split or not. In the scheme of things this is not a bad subdivision; there is not an intense use of the property.

Vice-Chairman Dyer commented that compared to other Conservation Commission's he feels we are pretty fair and balanced.

The Commissioners agreed and said that other Conservation Commissions are diligently trying to anti-develop.

Avalon Bay – Shelton II, PZC #07-16, Bridgeport Avenue & Huntington Street. Modification of Conservation Easement

Chairman Harbinson stated that he was asked by the Assistant Corporation Counsel to look at the conservation easement in light of our letter and in light of what the Fire Chief and Fire Marshal are recommending. They are recommending that a connection with a paved driveway to Huntington Street with no vehicle access. A possible exception is a gated emergency vehicle access to improve access for public safety vehicles if necessary.

Commissioner Tate stated that every town besides Shelton has fire access. They do utilize "soft pavement" or a grass paved treatment. We can refer them to the use of Shelton Farmers Market green area as an example of that. Instead of being "paved", it would be what we call "grass paved". The new generation is plastic squares rather than concrete squares. The reason is that the plastic squares are a little less intrusive and don't burn out in the summer. It also is a lot easier to install and have held up well in other communities.

Commissioner Lauriat commented that this is the answer to when on a Saturday morning when the place catches fire and someone calls 911 and here comes Huntington Fire Dept. down the road and here comes 99 cars full of families coming right at them. This sounds like planning to me.

There was discussion of whether this would be access for anyone and it was determined that it typically is gated with a lock that the fire dept. would have the access.

Chairman Harbinson reviewed the request. Our letter's first item was that the Commission recommended that he BOA accept the proposed easement swap

based on the following conditions. #1 was if the P&Z Commission deems that emergency access as shown on the map be absolutely required that it not be paved and that it be minimally cleared with grass pavers. *P&Z's approval was that the site plan is predicated upon a relocation and its adjustment of existing dedicated conservation easement. To accommodate the site plan layout a relocation and reconfiguration of existing conservation easement is necessary so that the Huntington Street frontage is more effectively buffered and protected from visual intrusion. No vehicular access to Huntington Street is proposed with the possible exception of a gated emergency vehicle access to improve access for public safety vehicles if necessary. The Shelton Fire Chief and Fire Marshal are recommending such a connection with a paved driveway to Huntington Street.*

Should we just reiterate the clarification as to what we say other communities have found successful with the grass pavers or plastic blocks?

Commissioner Tate said it is not grass pavers; it's called grass paved. It is a plastic cell material that is filled with a processed aggregate and growing medium so that you can drive over it and it stays clean of woody vegetation and looks like an access way but is not hard asphalt surfacing. It certainly supports any weight load of any fire truck access or any equipment that would go in there on a quasi-periodic or inspection basis. This is in place in Westport (Terra Nova Condos), Stratford, Norwalk, and at our Farmers Market.

Vice-Chairman Dyer asked if it needs to be mowed and Commissioner Tate said yes, typically it is mowed but grows much slower.

The Commissioners agreed that Chairman Harbinson should write a letter to Planning & Zoning and copy Asst. Corp. Counsel Ray Sous regarding our opinion of the modification of the conservation easement in line with what the Fire Chief and Marshal wants.

New Applications

None

Open Space Plan

We have all been talking about this through our Google group.

Communications

Chairman Harbinson reported on the following:

- CT Land Conservation Counsel reminder notice that our dues are overdue. Commissioner Lauriat reported that he called them asking what our dues would cover. They told me nothing over the phone and promised to send us something but have not as of yet. He will follow up on it.
- Community Investment Act – Information off Public Act 228
- Journal of College of Agriculture and Natural Resources, UConn

- Zoning Board of Appeals agenda
- CT Woodlands
- Conservation Re-appointments – all Commissioners were handed reconfirmations of their appointments.

Tape 1, Side B

- Still waiting for the Mayor to appoint the missing Commission member

Shelton Farm & Forest Protection Program 2005 **Applicant 1 : Homestead Acres**

USDA Review of NRCS and Shelton's FFPP Grant Award

Commissioner McCreery recused himself from the discussion and left the room. Chairman Harbinson commented that there are two issues. The appraisal is greater than 12 months old. The USDA requires that upon the closing the appraisal be less than 12 months old. In addition, the USDA audited the local office and reviewed some of their appraisals for grants over the years and had some questions on this particular appraisal. What we had done was to get in touch with the firm that did the appraisal, which was done to yellow book standards, and he is talking to the auditor and what is perceived to have read in the review. I feel confident that the appraisal was done to all the standards that the USDA requires. But this does have to be updated.

The second component is the survey for the property that is required by the USDA, which, in the grant application was a requirement for a "D" survey. We hired Al Shepherd to do the survey. In subsequent meetings with town counsel and the attorney for the Jones Farm they recognized that before the closing they would have to get title insurance. Title Insurance companies require an "A2" survey. Now we have gone back to the surveyor telling him we need the survey done to an "A2" standard and would need a quote to do this. We do need to go into Executive Session to discuss the quote given to me by Al Shepherd for modifying his scope in case we decide not to continue using him and have to go out to bid for a new project entirely.

Commissioner Lauriat MOVED to go into Executive Session for purposes of discussing survey quotes at 8 PM. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to come out of Executive Session and return to Regular Session. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to authorize Chairman Harbinson to speak with the Mayor and the Mayor's assistant regarding the survey required for the Shelton's FFPP Grant Award and the associated costs. SECONDED by

Vice-Chairman Dyer. All were in favor, MOTION PASSED (Commissioner McCreery recused).

Commissioner McCreery returned to the meeting.

Conservation Agent Report

Chairman Harbinson reported on the following for Agent Gallagher:

Open Space Inventorying and Mapping:

No new progress.

Community Resource Inventory Committee

No new progress.

Open Space Trust Account

The Finance Dept. gave Chairman Harbinson the status as of May 31, 2007, the Trust Account balance is \$177,303.98. At our last meeting Teresa reported our balance as of June 30th and indicating that the \$250K that is required by the Open Space Ordinance would be deposited in July. It has not happened yet.

Rec Path Grants Status

Laurie Gianotti, who has replaced Leslie Lewis at the DEP, came down for a site visit Thursday, July 12. I am still waiting for estimates from Engineering Dept. and Parks & Rec for their services "in-kind"; once received I can submit for reimbursement.

Quality of Life - Executive Session

Commissioner Lauriat MOVED to go into Executive Session for the purposes of discussing possible land acquisitions at 8:15 PM. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.

At 8:40 PM Vice-Chairman Dyer MOVED to return to regular session. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

Chairman Harbinson reported that while in Executive Session we discussed some possible land acquisitions in the White Hills area and the comments heard were that some farm property owners are dismayed at the City's management of the open space that it owns in White Hills, such as French's Hill, that is overgrown with Russian Olive winding its way around some farm equipment that was left in the middle of the field and that it is not being hayed. There is some discussion that we might want to investigate how our City open space could be best managed for the agricultural use that it has the potential for.

Commissioner Lauriat commented that at the time this property was in consideration for purchase some one had gone up there and did test holes dug. They never filled them in and you have to be very careful walking or driving around there.

Comments by Members

Commissioner Welsh commented that in regards to the City open space/Land Trust border at the Rec Path at Lane Street I did meet with John Cook and we walked the area. I did get a wetlands compliance form to slightly level off and prep the area for where the Rec path might go. Depending on the Land Trust funds we might be able to do some sort of crushed stone or wood chips.

Commissioner Tate commented regarding the Big Horn pond near the Monroe border off Beardsley Rd. When I first came onto the Commissioner there were problems with people trying to figure out where the open space line was and at the time the access was blocked off by the developer. I understand that there are some property owners up there that are encroaching down to the water of this pond. There is a strip of open space that was to be left alone but now it's being mowed and taken over. They agreed that they would have Agent Gallagher investigate it.

Commissioner McCreery commented that he noticed a notice on the bulletin board in the hallway that someone is subdividing land in Trumbull. They are notifying Shelton because of the proximity of 500' to the border. Chairman Harbinson commented that anytime there is a subdivision within a certain boundary of another municipality they have to give notice. Commissioner Tate commented that they are giving the property from the Trumbull subdivision to Shelton. The problem is that there is a line that bisects a lot. They are trying to find out who has the jurisdiction because the lot in Shelton does not conform. The city of Shelton is saying it doesn't conform to our regulations because it isn't in the City of Shelton. They are trying to find out who comes first. This developer is giving an acre to Shelton in exchange to be able to use the lot.

Adjournment

Next regularly scheduled meeting will be Wednesday, September 5, 2007.

Commissioner Lauriat MOVED to adjourn. SECONDED by Vice-Chairman Dyer. All were in favor, MEETING ADJOURNED at 8:45 PM.

Respectfully submitted,

Marianne Chaya

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Clerk, Conservation Commission