

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday January 2, 2008 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
Ed McCreery, Commissioner
Joe Welsh, Commissioner

The Commission currently has 6 active members.

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

A. Pledge of Allegiance

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

Chairman Harbinson stated that he wanted to add an item to the agenda. It will be Item I, Approval of the 2008 Budget,

B. Approval of Minutes

Commissioner Lauriat MOVED to approve the minutes from the December 5 2007 Regular meeting. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

Chairman Harbinson noted that the November and December minutes were not on the City's website. Agent Gallagher stated that she resent both minutes to Rudy.

C. Public Portion

None

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. New Members

We officially welcomed our two new members to the Trails Committee: Lynn Reid and Richard Skudlarek.

2. Review Accomplishments in 2007

We reviewed our accomplishments for 2007 and will have a report for the February Conservation meeting.

A. Land Acquisitions

We acquired the Dikofsky triangle, the UI property, which is part of our trail effort, and we are moving ahead with the parcel that we still need.

B. Trail Improvements

Improvements were done to the Silent Waters bridge and fence, the upper Lane street fence, Meadow trail relocation, BOE cut-through to Constitution Blvd, and connection to Rte. 108 crossing.

C. Trail Maintenance

There was a lot of maintenance was accomplished and there was a preservative applied to all the bridges and boardwalks.

3. Planned Projects for 2008

A. Rec Path – Phase I

Commissioner Tate, Terry Gallagher and Vice-Chairman Dyer walked the site and we now have a plan for drainage and cuts & fills that need to be done by the dam. We are looking to get a contract for procurement either later this month or next.

B. Rec Path - Phase 2

We will be working on relocating the path around the white house this winter.

C. Rec Path – Phase 3

We have \$60,000 from Huntington Woods and want to put it to use this year.

D. 2008 Recreation Trails Grant Application Status

We are waiting to hear from the State as far as what we need to do to rework our efforts.

E. \$2500 State Grant Status

We will talk about this later in the meeting.

F. New bridge over Curtis Brook

The ground was frozen so we were not able to dig the foundation. We hope that if the weather is good we will try again on January 12.

G. Connect Blue Dot Trail to Shelton Lakes

We are waiting for DEP to give us permission to locate the trail through Indian Well.

H. Gates and Signs – Abbey Wright

We originally put two removable ballards and over the past year it has been vandalized. We are not only getting ATV's in the area but we are also getting 4-wheel drive trucks driving in. We need to install a steel gate like the one at Oak Valley and Old Kings Highway.

Trails member Terry Gallagher stated that they made a motion at their meeting to recommend this to the Conservation Commissioners. Chairman Harbinson suggested they contact a few companies for a quote. Vice-Chairman Dyer commented that P&C Fence was supposed to get back to him but considered this too small of a job. Chairman Harbinson suggested combining this with some of the other locations that have been considered to make it worth their while to give us a quote. Commissioner Welsh said he would contact someone he knows who might be able to give us a quote.

I. Trails Maintenance

We are in pretty good shape for the kiosks except at Pine Lake.

4. Work Party Schedule

A. Location of the Rec Path around the white house

Scheduled date is Saturday, January 12, 9AM.

E. Possible Encroachments – survey of property lines

1. OS 91 Trap Falls – Huntington Street, Blueberry Lane

Agent Gallagher stated that this one is open space 91-Trap Falls, off of Huntington Street and Blueberry Lane. The city received a complaint last summer from someone who was walking back there and saw evidence of some dumping. I was asked to go and take a look. There are five separate issues and the reason I put it on the agenda was that three of the potential issues is that it is not clear where the property line is. I am looking for guidance from the Commissioners as to what you want me to do and how you want me to proceed. The open space is in a bit of a valley, a steep slope, and up the hill are Blueberry and the houses. There has been some dumping in this area.

The Commissioners reviewed the area and asked how we acquired the open space. Agent Gallagher stated it was purchased from BHC.

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Agent Gallagher commented that she used the GPS and it is approximate because of the hillsides. She had a copy of what was printed from Google Earth.

Commissioner Tate asked if there were members from the public that live near the area and a few of the residents were in the room.

Commissioner Tate reviewed and explained the role of this Commission in that we are not a regulatory Commission, just an advisory Commission. We want to try and resolve a reoccurring issue through the city. We have acquired a lot of open space and we are trying to keep the maintenance of it in its natural state and not have it become a perpetual dumping ground. It seems that people have been doing this for items they don't want to take away to the proper resource center. Typically what we find is the best solution is that the neighbors seem to police each other and that people then find you are not supposed to dump on this land and the proper method is to remove it. If that does not occur then the first step we take is by writing a letter to the City Counsel to encourage enforcement. That just doesn't work out well and takes a lot of time. So what we would like to do is to try and educate everybody and for you to find out where your property line is, and if you don't know it that you kind of approximate where you think it is, and make sure you don't dump your leaf clippings, lawn clippings, or other things you want to get off your property. You want to keep it on your property or take care of it within your own means. That is the direction we are going. We are finding that this area is one particular problem and becoming more and more of a trash area. We want to alert the public to this problem so that they understand what our next step would be if it doesn't get cleaned up is enforcement.

One of the homeowners asked, you consider leaves, brush, and things like that dumping? I know you also mentioned tires.

Commissioner Tate answered that it is mostly grass clippings. What we are trying to protect is the Trap Falls Reservoir. It is a public water supply and the nitrogen loading that comes from the decomposition and from the chemicals from the residential properties eventually, and maybe not in your own small realm of your property, but when you magnify it by 20 properties it can have an effect, and we've seen it happen.

The homeowner at 54 Blueberry Lane said that he moved in 5 years ago said that he could see the Commissioner's point but I have been back there more than a dozen times picking up beer cans, and it just seems a little backwards to me.

Commissioner Tate responded that it probably is, but the piles just get bigger and bigger and this is something to be aware of. I don't think it's an overwhelming problem right now but as time goes on the City will become more protective of those situations.

Agent Gallagher stated that at that location the quantity is pretty significant. It's where you go down the valley that is in the open space and there is this

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little ridge going up and you can see a mountain of stuff behind one of the houses and you go a little further and see another mountain of stuff. It's clearly not natural. It's not only water quality but it is also an esthetic issue. Like I said earlier this is in response to a complaint.

The homeowner said it's mostly biodegradable stuff; it's not trash. Agent Gallagher agreed that it's biodegradable but that doesn't mean that it disappears. It's changing the topography. When you dump enough of it usually there's soil in there which has mineral matter in there along with sand, bricks, etc.; things that just don't disappear over time.

Commissioner Tate commented, basically, we would just like you to stop. Chairman Harbinson added that there are alternatives. There is free leaf composting in the City; there is free trash removal.

Commissioner Tate suggested that if a property owner has a large parcel to maybe use a section as a composting area. It can be attractive if done correctly and Vice-Chairman Dyer added that you could generate your own soil.

Agent Gallagher stated that she is not comfortable with the property line locations.

Commissioner Tate said that if we don't see improvement we would have to address it at a later time and then we would have to get a surveyor out. It's not our money that's doing it – it's the City's money. That translates to it coming out of all of our pockets. We'd like not to do that and we would prefer to have it policed by yourselves and taken care of. Typically, if we were to have to have a survey done then there is a permanent demarcation has to be put there, such as a split-rail fence or row of trees. It then becomes one more thing that someone has to maintain and pay for. We'd prefer not to do that.

The homeowner at 42 Blueberry Lane asked, if you are not comfortable where the property line is, how does that make the resident who receives the letter about the comfort level when you are basically saying you are out of line, or I think you may be out of line, but you really don't know you are out of line?

Commissioner Tate responded, it's so far over, that there is no question. This is very blatant.

Mr. Vogel said that the tires were dumped over 20 years ago.

Commissioner Tate passed around the aerial photo of the area and commented that we have to do something as a public Commission that is responsible to address these things.

There was discussion about things like the tires in open space and the Commissioners acknowledged that the City has to take responsibility for that. They also reiterated to the homeowners that they are really just looking for the problem of the dumping to not get any worse. Chairman Harbinson explained that with the technology available to us now we can get a "biography" of each parcel. We know the status of each now with digital photos and videos so that should something come up in the future we can

look back for verification. That is part of the process we are doing for each open space parcel.

Commissioner McCreery commented that he found out that someone has dumped tires again on the property off Pearmain Rd.

The homeowners asked if the public has access to get back the open space?

Commissioner Tate responded that they do have a right of passage if they know where to go but it is a very defined area. It is all mapped on the web site and there are no motorized vehicles allowed.

Chairman Harbinson commented that there are property problems that are unique onto each property. Sometimes it's a paintball activity, hunters, or ATV's.

The homeowners asked when this open space was acquired and it was determined it was probably around 1998, acquired from BHC.

They discussed the marking of open space and that it is an on-going process. The Commissioners and the homeowners reviewed the open space map of their area.

A question came up about trees in open space that fall onto private property and pruning at the property line. Commissioner Tate said it more of a common sense issue and that we do have a tree warden that would be the one to contact of any problems. It is the abuse of the situation that gets to us and we have to respond as a City Commission.

In summary of this item is that the Commissioners want to educate the homeowners in the area around OS 91 – Trap Falls and are requesting the discontinuance of dumping.

One of the homeowners commented that since this is the first time that I have been through this and I have a new appreciation for what you folks do here but it was a little unsettling to get that letter. The wording of it was unsettling and I will say that I talked with Teresa who brought me down a little bit but I think there should be a way to better communicate the news. The Commissioners said they appreciated the feedback and stated that the Commissioners do want to be taken seriously. We do volunteer our time and if we are not taken seriously and if we have to be a little blunt in our letters, that's our error. We will try to adjust the tone.

The homeowners felt the letter didn't give them any options.

Agent Gallagher stated that the purpose of the letter was really to notify you that it would be on the agenda. I was told from this Commission is that we should discuss it but then I was told we shouldn't discuss it without giving you the opportunity to be here. We wouldn't want you to think we were talking about you behind your backs. This was really just a matter of letting you come here to give your input.

The Commissioners thanked them for their input and said that there will be other issues that would come up.

There was discussion of maintenance of open space and Vice-Chairman Dyer commented that periodically the City has had the benefit of Eagle Scouts and volunteers doing clean up projects.

2. OS 64 – Big Horn Road

Agent Gallagher stated that this is a similar issue and Commissioner Tate commented that how this came about was that a property owner was interested in doing some work in and around the Big Horn pond. In the mid-1990's when the developer finished they left piles of debris, the City was remiss in not following through in getting it cleaned up. At that point I don't think we even had an open space plan. Now people want to take advantage of the waterfront area on Big Horn and there is an open space buffer that is around the perimeter of the pond. We don't have a survey but we do have some aerial photos and some guesses as to where the properties are in relationship to the water body. What we don't want to see is the open space clearly going into private property or private maintenance. There are several properties where we have seen some obvious filling or cutting in the wetlands area. The wetlands are regulated by the office next door and it is a regulatory agency. It is a rather severe situation when you start to fill or manipulate within the wetland area. We don't have empowerment of wetland applications in terms of enforcement. What we do is to work back and forth to try and determine where the open space is and how the wetlands can stay in its natural state. That is where we are. What we are finding there is there is some encroachment happening. How do we handle this now? Typically this Commission would alert the regulatory group, which is Inland Wetlands. They would send their staff out, John Cook, to look at the individual properties and determine if there is an encroachment. He may bring you in to the Inland Wetlands Commission meeting and ask you to tell them why this area disturbed. It would be then up to them to determine the course of action to take. Typically where we get involved is where there are many properties and we have to try and find where the open space links together and how to protect it. Our next step would be to get a surveyor to go up there and determine where the property lines are. If there is encroachment we would have to refer it to Inland Wetlands. Some of you may already know where your boundaries are. If you have encroached I would encourage you to go and meet with John Cook and see what they think. You had asked if there was some grading that could take place or some removal of some piles of gravel that was left over.

Agent Gallagher said she feels the gravel is in open space but it would be a wetlands issue because it's right next to the pond.

It was asked where the gravel came from and Commissioner Tate said he believes it was from the excavation of the pond.

Chairman Harbinson commented that John Cook's office would have access to a lot more data than we have at our disposal. He would have historical photos.

One of the homeowners said he just wanted to better the view of the lake. It's a huge mound and wants to eliminate the pile of soil. It is a real eyesore right now.

Commissioner McCreery said that the proper procedure would be to come up with a plan and submit it to the wetlands office and then it would also have to be approved by the Board of Aldermen to go onto the open space property to do this.

Commissioner Tate said he wanted to make them aware that when John Cook goes out there he may find other issues and they will come to light. When our group was out there we did find that some people were doing some things out there that they shouldn't be doing.

Tape 1, Side B

Chairman Harbinson commented that in the case of Inland Wetlands, it's better to ask permission than to ask for forgiveness.

Commissioner Tate said that we are trying to be your good neighbor here and give you direction. Take pictures and find out where your property line is, determine what your plan is and meet with John Cook. Our concern in this commission is the protection of the open space. If there is obvious encroachment in open space we will be watching it. We do not have any plans to do anything formally at this point.

The dumping of the material is probably on the city open space probably left by the builder. Open space has become an area the builders dump on in the past. We now have been more aware of it and doing what we can to keep it from happening again.

The homeowners said that they had heard that area is known as Blakeman's bog.

Commissioner Tate said yes, he had heard that too and that it was 5 or 6 years where it was a reoccurring agenda item of trying to get Blakeman to finish the promises regarding that development. I know that at times there was cleanup but I am sure it wasn't cleaned up 100%.

They thanked the homeowners for coming and encouraged them to go and talk with John Cook in the near future.

F. Well Spring Estates (Old Stratford Road/Far Mill Crossing) – management of conservation easement areas and adjacent open space

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John Coniglio and Arthur Keating, Well Spring Estates Homeowners Association

Agent Gallagher said that this Commission had questions regarding the field where the corncrib is and the maintenance of it and the conservation easement area.

Vice-Chairman Dyer said that all the issues we had with the developer have been satisfied and we have ok'd the release of the bond.

Agent Gallagher and Commissioner McCreery said we wanted to know how it would be handled by the homeowners association. The first issue is the area where the corncrib is. It is now City owned open space, in fee, not by conservation. The question is, in terms of going forward regarding maintenance, because the city really doesn't have a fleet of people to go out and mow, it's going to become an overgrown briar field. We'd like to know if you'd mow it. Agent Gallagher asked if they mean once a year?

Commissioner McCreery said similar to how the Land Trust members do theirs; a rough mowing two or three times a year.

Commissioner Welsh said they do it once in the fall. It all depends on what kind of look you are going for.

Mr. Coniglio said no one in our association is using it right now.

Chairman Harbinson asked if they would like to use it for maybe something like a picnic spot.

They answered that we thought about it and thought about maintaining the corncrib but it is in such poor repair that it would be way too expensive to restore it. It is a potentially dangerous issue there and Royal didn't want to do anything with it and neither do we.

Mr. Keating said that they would be willing to talk with their landscaper and get a price to maintain it.

Mr. Coniglio said that when we had the initial discussions with Royal and Ron it was our understanding that we were not supposed to improve the area. We just entered into an agreement with a new landscaper and this will be an additional cost to us.

Commissioner McCreery commented that if you see what happens to a pasture when you let the multi-flora take over; it's not going to be a pretty site. We are concerned that the invasives will take over.

Mr. Coniglio said we will certainly take a look at the cost to do this.

Mr. Keating said that we have been proactive in that area already. We pulled over 20 bags of litter from the open space along the Far Mill. We wanted input from you regarding some of the open space is the Association's and the other is Shelton open space. We are running into problems in the association's open space along Old Stratford Rd. You have postings in the back of our houses but would it possible to post on that road. What we have is the neighbors across the street dragging all their stuff into our property.

Agent Gallagher said she could provide them with signs.

Mr. Keating mentioned that their landscapers talked about the area by Health Net where there was a site line issue and their landscaper went in and cleaned out the high vegetation. We want to do improvements along Old Stratford Rd. where the arborvitaes were planted and have become overgrown. We want to put some wildflowers in.

The Commissioners think that area may be in the town right-of-way or the conservation easement and asked to review the plans.

There was discussion of the area where it should be mowed.

Agent Gallagher said she just wanted it put on record what intentions the Commissioners had for this open space so it could be put in the file.

Vice-Chairman Dyer said we would entertain the idea if the association wanted to maintain the open space as open and usable for the people.

Commissioner Tate said he wanted to clarify the perception of cleaning up the area as lawn or what we consider meadow. Meadow is maybe grass of a non-ornamental type that could be about 10" high. This would only need mowing maybe twice.

Commissioner Welsh suggested once a year in the fall, after the first frost, so it would reseed itself.

Commissioner Tate said he was concerned about the invasives and making sure they don't get established. If it were mowed around July and then again in the fall it would be set as a meadow.

Agent Gallagher suggested if some of the residents were into bird habitat this would be a good area.

Chairman Harbinson thanked them for their participation in the trash pick up along the Far Mill river and thanked them for coming.

G. Review of P&Z Applications for Subdivisions and/or Developments

1. Old Applications

203 Mohegan Rd. – 4-lot subdivision – request for fee-in-lieu of. The developers is Dana's Pond Construction LLC. At the last meeting it was left to discuss again at this meeting. Chairman Harbinson had no objections to agreeing to a fee-in-lieu of.

Commissioner Tate MOVED to accept a fee-in-lieu of payment as the open space satisfaction for the 4-lot subdivision on 203 Mohegan Rd. as discussed at the December 2007 regular meeting. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Chairman Harbinson asked if everyone saw the clearing that took place at the Avalon II site. Just as a reminder that we have to be very diligent on all

applications in the future to make sure that they put that orange fence where the open space delineations.

Vice-Chairman Dyer said that in hind site we should have insisted on evergreen plantings.

Commissioner McCreery said that in his observation it seems more like a 30' easement instead of the 50'. He's wondering if the sewer utility line that was going in the conservation easement that maybe they cut back to that line.

The Commissioners also discussed the drastic clearing that has been done for the Aspen Ridge development.

2. New Applications

None

H. Shelton Canal – Proposal to fill canal for residential development

Related documents posted on

www.sheltonopenspace.googlepages.com/sheltoncanal

Chairman Harbinson mentioned that this Commission has been emailing each other on this whole issue and it was determined that a letter needs to be written from this Commission.

Agent Gallagher created a list of comments that may be used in the letter.

Commissioner Tate commented that there is one thing that we need to be careful of. Do not preclude the fact that at some point in time a portion of that canal we may want to fill. I don't want us to go on record as saying let's leave it as pristine state the way it is now. If that other portion gets eroded to the point where it is of no value, we (the city) may want to be able to fill the part of the cut-off canal to get over it.

The Commissioners discussed the issues of the fish ladder.

There was discussion of a letter to be sent should be directed to the Mayor's office with our recommendations.

Agent Gallagher suggested that she would draft a letter, email it to the Commissioners for feedback before forwarding to the Mayor's office.

Genevieve Reilly from the CT Post asked what position the Commissioners had regarding the canal issue and she was directed to check our Google group and the city website because there was so much discussion and there are a couple of pages that has a lot of information regarding the FERC application and process of review.

Commissioner McCreery stated that this Commission feels this is a key historical quality of life amenity downtown that we need to try and preserve, especially with all the homes that are proposed along the river.

Vice-Chairman Dyer added that we also feel the City should acquire it.

Chairman Harbinson pointed out that the most vivid illustration of how an important resource it is is a watercolor of the locks is on the annual report that was given to every city resident a few months ago. He emailed the link to Ms. Reilly.

The Commissioners continued to discuss the fish ladder and Commissioner Welsh asked if there is a way to ask someone to check out the feasibility of using the canal as a fish ladder and what would have to be done to modify it to do it. Agent Gallagher said there is someone in the DEP is looking into it.

Commissioner Tate suggested everyone consider what the end vision of this area should be and be prepared to make comment.

Tape 2, Side A

I. 2008 Budget

Chairman Harbinson passed out copies of the budget items that need to be reviewed and approved.

Agent Gallagher asked if the budget accounts for surveying costs. Chairman Harbinson said he modified it to accommodate it. The budget has been increased slightly but less than where we were two years ago.

Vice-Chairman Dyer MOVED to approve the Conservation Commission's budget submittal as presented by the Chairman. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.

J. Shelton Farm & Forest Protection Program, 2005 Applicant 1: Jones Family Farm Homestead Acres

Chairman Harbinson reported that they closed on December 26. There was an article in the New York Times. I know everyone here is aware, but it's good to say on the record that the Jones' did accept a value less than what the appraised value was. In essence the Jones' gifted \$2.25M worth of value. I point this out because future applicants are going to have to consider that they may have to consider gifting as well. The City's contribution was \$4.2M and in the 132 acres, \$31,800 per acre.

K. Conservation Agent Report

Agent Gallagher reported on the following:

Community Resource Inventory Committee

Jason Perillo has resigned and Joe Palmucci has asked to be appointed.

Commissioner Lauriat MOVED to accept the resignation of Jason Perillo and accept the appointment of Joe Palmucci. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.

We are working on scenic resources and Chairman Harbinson asked to set a deadline for this.

Open Space Draft Maps

Copies were presented to the Commissioners and it has been uploaded to the City's open space website.

The Commissioners had some issues with some of the coloring – it needs to be more defined. The trails are not shown on the draft. There were some questions on the areas listed as specific greenways, such as the Long Hill greenway.

Commissioner Lauriat asked about the future uses of this map, especially for the police department. At this time they only have a black & white city map that only lists the streets. There are no references to the areas that are parks, open space, land trust property, etc. Can't we do something to make them more aware of the property that they are supposed to serve and protect?

Chairman Harbinson said they are available now but the City is not synchronized with the emergency services, engineering dept., GIS dept., etc. They should all be working off of one database.

Agent Gallagher said that whenever there is a new open space or new lot line Regis has to eyeball it in because it is not hooked up with the engineering system.

The Commissioners and Agent Gallagher spent a great deal of time reviewing how the mapping was done.

Open Space Trust Account

Balance is unavailable.

CT State Grant for \$2500 for Recreation Path

Application has been submitted by Community Development. Dave Zamba has agreed to work on a logo.

Fee in Lieu of Payments

All fees have been collected except for \$7500 outstanding from Geno Blakeman for Crossroads Estates, who has refused to make the payment. The matter was referred to Corporation Counsel for legal action on December 5.

J. Quality of Life - Executive Session

Commissioner Lauriat MOVED to go into Executive Session for the purposes of discussing land acquisition issues at 9:18 P.M. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner Tate MOVED to come out of Executive Session and return to regular session at 9:30 PM. SECONDED by Vice Chairman Dyer. All were in favor, MOTION PASSED.

Chairman Harbinson reported that there were no motions taken in Executive Session.

K. Adjournment

Next regularly scheduled meeting will be Wednesday, February 6, 2008.

Vice-Chairman Dyer MOVED to adjourn. SECONDED by Commissioner Tate. MEETING ADJOURNED at 9:32 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission