

City of Shelton, Conservation Commission
Minutes for Regular Meeting of Wednesday May 2, 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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***REVISED MINUTES**
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Call to Order

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

The Commission currently has 6 active members.

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

Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:06 p.m. All in attendance recited the Pledge of Allegiance.

Approval of Minutes of April 4, 2007

Commissioner Lauriat MOVED to approve the minutes from the April 4, 2007 regular meeting. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.

Public Portion

Diane Byron, 6 Mayflower

I am here on behalf of the residents of Far Hill Estates, which is comprised of Mayflower Lane and Canterbury Lane. We are opposed to the construction of a

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public hiking trail on a narrow strip of city property directly behind our houses. We are presenting a petition signed by 42 members of our neighborhood opposing this trail. We will also be presenting this to Mayor Lauretti and the City Council.

In general we are supportive of trails in Shelton and the open space preservation and we respect the pursuits of you trying to acquire the properties to complete this trail. But it is clear that is the wrong place for a public hiking trail. It would cross one of the most heavily traveled streets in the city and it would pass less than 100' from several of our back doors with no barrier in between. People would be able to see into our homes, have close access to where our children play and possibly even hear our conversations. The city itself admits this open space corridor is not ideal for either residents or hikers, and that just a few hikers will use the trail. We've been told in the past that, you know, it's not a big deal, only a few hikers will use this trail.

We have a couple of questions. If it's not a good location because of its proximity to homes and if only a few would use it, then why build it? Why would the city significantly damage a neighborhood of families for the interests of a handful of hikers? That is why we are here today and that's why we're petitioning to not go ahead with this trail through our neighborhood. It fundamentally changes our neighborhood and not for the better from all our perspectives. Our main concerns are safety. This trail would pass through the backyards of a family neighborhood where there are 48 young children, plus other grandchildren that visit the neighborhood. Right now the children have a very good sense of security to be able to roam through the neighborhood and everyone keeps an eye on each other, but we don't think that sense of security would still be there if we knew that at any minute strangers could be walking through. We would not be able to let them play without direct supervision when strangers or possibly dogs have free access to our yards. We also have concerns of security of our homes. This trail will provide access right off of Meadow Street to our backyards. We feel that this being a busy street would entice non-hikers as well as hikers to come into our neighborhood. There are many non-hikers that use trails that are only a half-mile away from our neighborhood. There are a lot of casual people just getting out for a walk. We say it's a few hikers but maybe if it did go forward maybe it would end up being popular and we'd have a lot of traffic through our backyards and that's even a greater concern for us. Our third concern is property values. There is no question that this trail will devalue our properties. This is not a wooded area behind our homes; this is an open area with no trees to block. I can see if it was a trail through some woods behind my home. I love to hike myself, but hiking is not walking between a stone wall and somebody's house. We've had realtors tell us; the first reaction we get from them is that it would be very difficult to sell our homes to families with children, and these are homes designed for families. This decision by the City is inflicting, we feel, hundreds of thousands of dollars damage on us for the sake of a few hikers. Again, the interests of a few hikers is being placed before the interest of over 20

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Shelton families. As you can imagine, we have many more questions, particularly about your progress. About the process – obviously the trail has been brought to our attention in the past and many of us after we bought our homes but in the past it's always been said it's in the distant future. As the letter was addressed we do realize this happened much more quickly than any of you expected but once it got to the final decision point was there any thought to having this neighborhood involved in making the decision to go through with it, when you knew we were opposed to it? It shouldn't come as a surprise to you. We just want to know why we weren't involved until it was the announcement to say it's being done. I know about 18 months ago we addressed some of the issues and I believed we all complied with any requests that were made. A few years before that Tom came out to the neighborhood and addressed a group, which was before we lived there. Again, it was said it's all in the future and you don't have to worry about it now. Many of us found out by different ways and some were lucky enough to know and was part of the decision in whether or not to purchase a home directly along the trail and others purposely chose areas away from the trail. Others of us who weren't original owners may or may not have been notified of this fact. We had no idea of this when we purchased our home. Finally, if the City thinks this is a poor location we would like to know what other alternatives, if any, there are, and if possible if it could be redirected through any other space to avoid going directly through our backyards. If any other trails were considered in any other direction, why were they rejected? We just hope to be able to address some of these things today.

Chairman Harbinson stated that he met with a neighborhood group in 2002. The trail, as conceived, would be different than the Shelton Lakes trail network that you may be used to in the area that a lot of people casually use. There was at one time a Blue Dot or rugged hiking trail from the Stevenson Dam area to the Roosevelt Forest in Stratford. Blue Dot trails are a network of trails throughout the State of CT. They commonly have a name from the Indian tribe that was in that area and they maintained in hiking books that guide you towards them by the CT Forest and Parks Assoc. They are one of the oldest conservation organizations in the country. They saved areas such as Sleeping Giant State Park. The CT Forest and Parks Assoc. works hand in hand with the Dept. of Environmental Protection. The DEP Commissioner, Gina McCarthy, has conceived a new progress program called No Child Left Inside, whereby we try to get the children outdoors and exercise, and helps with a whole variety of issues with the educational system and environment, etc. One of the organizations that the DEP reached out to help implement that program was the CT Forest and Parks Assoc. to see if there was opportunities where they could expand their Blue Dot Trail network throughout the state. Most of the members of this Commission were at the unveiling of that program in Middletown about a year ago. In Shelton we do have a Blue Dot trail that has been interrupted over the years by parcels that were purchased privately and we've always had in our

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Open Space Plan to try and reconnect that trail. It is a rugged hiking trail meant for true hikers. It's not handicapped accessible, crushed stone, cleared-out kind of trail. I would liken it somewhat similar to the Appalachian Trail where in locations that are not ideal and there are potential conflicts that have to be addressed. This is a similar type of situation. Our Open Space Plan document that tried to identify open space parcels to acquire throughout town, why we do that greenway corridors is to offer other potential passive recreation opportunities such as hiking and bird watching. The open space that has been acquired, the half of you and the other residents of the city in that area follow a greenway plan, primarily the Shelton Lakes by the school campus and the trail network is, and then over the ridge toward the Housatonic River greenway. There were a number of parcels on the Housatonic River ridge facing Indian Well State Park that were recently acquired along with some grants from the DEP. When we apply for grants to help participate in the cost sharing of acquiring appropriate parcels, the DEP ranks that grant application versus all the grants they receive across the state. One of the things that has helped us is recognizing potential amenities such as this, the Blue Dot Trail connecting through there. That happened on a parcel called the Overlook, a parcel called Above the Overlook and a parcel referred to as the Side of the Overlook. It was also one of the minor points in promoting the acquisition of the Wiacek farm that is directly across the street from Mayflower Lane. When your subdivision (Far Hill Estates) was approved it was approved under a subdivision regulation known as a PRD (Planned Residential District). A developer who uses that mechanism is allowed to get a bonus of lots if he gives a little bit more open space. I don't know who was on the Commission at that time but we are purely an advisory Commission. It's the Planning & Zoning Commission that makes the final decisions on subdivision applications. In their wisdom they decided that a piece of open space that would help connect the Blue Dot trail between the stone wall and your lots was an appropriate open space dedication. Unfortunately, as we have found on tidying up some details on subdivisions it may have been more appropriate for them to further ask that there was a clear delineation; whether it be a split rail fence or something more natural such as pine trees, to clearly show to someone moving into the community that your back yard doesn't go back to that stone wall.

Commissioner McCreery stated that is something we are trying to enforce now, but we are an advisory Commission to the Planning & Zoning Commission. Chairman Harbinson said that in terms of the process of any trail or improvements to open space require approval from the Board of Aldermen. That has not formally happened with the trail at this location, but it is a highlighted item on all our planning documents such as the Open Space Plan. The process as far as what we involved with is we try and work with the property owners who recognize that there may be a conflict. This was the situation in that case and I met with the Shepherds in 2002 to let them know what our open space plan was and some of the background information I just gave you, and let everyone know

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that this was something that was not immanent but far off. I believe in 2005, our former Conservation Agent, Jim Pjura, had identified a couple of properties that had encroachments with things like sheds and play structures. We informed them that they would have to be moved because it was City open space and should be maintained as such. Now with the DEP program of No Child Left Inside we're trying to look at where we could help that, and our Blue Dot Trail is one of these opportunities. There are alternatives in your neighborhood to where the trail could route and that is what we are looking at right now. Teresa sent the letter to you to inform you that we want to examine the area with someone from the CT Forests and Parks Assoc. who has experience in these kinds of conflicts in other parts of the state to see how we can best address them. If this is not ideal or could not work out, or if we should focus more on alternative locations. There are some properties nearby Mayflower Lane that are not developed that could provide connectivity up to Meadow St. A couple of points to mention – there would be very few hikers. The Blue Dot trail would be very rugged as it goes down the slope towards Indian Well State Park and there are several components on Indian Well State Park as you head towards Stevenson Dam that are also rugged. As a cub scout I hiked from the Indian Well State Park to Stevenson Dam and I recall that it was very rugged.

An unidentified homeowner said I understand that the trail is going to be open and it's a concern if it's going to be heavily populated but it's a fact of the matter that it's there. Not only with the safety factor but with the resale value of our homes. Even if three people here walk that trail, the fact of the matter is, nobody is going to want to purchase our property knowing there is a trail visible 100' from our back porch.

Commissioner McCreery said I don't agree with you. That's a common misnomer that people don't believe that open space or trails add value, it's just the opposite.

Mark Gangi said I have a question to ask you. Would you want a trail going through the back yard of your home?

Commissioner McCreery responded, first comment is, it's not your back yard. It's City owned property. Second comment is I do have a trail that people go through at Jones Farm every day right next to my house – at least 10-12 people every two hours.

Commissioner Lauriat commented that he has a trail that goes through his back yard.

Vice-Chairman Dyer commented that when he first moved here there were no ball fields on the Nike site. There are now two, both of which have lights that are on until 10PM – which is at my back yard.

Mr. Gangi asked how far is it from the back of your house?

Vice-Chairman Dyer answered it's about 30'.

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Mr. Gangi asked if there are trees that block the view? Yes, answered Vice-Chair Dyer. Mr. Gangi asked Commissioner McCreery if there were trees at his property, to which he answered that you can see through the trees.

Commissioner McCreery stated that one of the things we are looking into is whether a fence or evergreens if the trail is going in would be appropriate to create some delineation. But I would comment that it is a common misnomer for people to suggest that trails decrease value, or that it's an avenue for thieves, and the common retort to that is when do you ever see someone hiking down the trail with a TV on his shoulder? Those are just misconceptions. To put it in perspective, I'm just looking at a sectional map for your part of town and you will see several of these linear connections to open space. If all the neighbors come out and say the town can't use that to access open space or trails then we are in a deadlock situation.

It was asked if those trails go through people's yards?

Commissioner McCreery answered that these are open space parcels that connect other open parcels. Some have trails, most don't.

Chairman Harbinson commented that the unfortunate thing in this situation is that the easy perception is that your back yard went right to the stone wall and it was never clearly delineated as we would like to see by the P&Z and they are the ones who have the ability to make any actions in that regard of a subdivision application.

Vice-Chairman Dyer commented that a very significant percentage of the Blue Dot trail goes through private property where the individuals have allowed the trails to go through their own property, not open space. In doing this they have given a pedestrian easement so that if someone trips they won't be able to sue you. Again, that's not an issue for you all. A lot of the Blue Dot trail is not on open space but private property, as it is up in the poet section of White Hills.

Gary Sheffer, 10 Mayflower Lane

Mr Sheffer stated that the situation is different out in the poet section. I think there are wooded areas out there and the trail is much more removed from the homes than it is in our situation. Fundamentally, you have to answer a question. If you are an advisory committee, whom are you advising on this trail? The letter that we received said that people would be out walking to determine what kind of fencing to put up, where the trail would be located, specifically within the open space corridor. That is our question about process. How did this all happen without any of the homeowners being involved in this? As Diane said, there are only a few hikers using this trail, what is the reason for building this? For significantly damaging our property value; you know, I respect your opinion; this is different, this is a trail that is going to have a trailhead on Meadow. This is one of the most heavily trafficked pieces of property in the City. It's going to connect to across the street to whatever you plan to do with the farm. It's going to connect into the school areas. I respectfully disagree with the opinion that this is

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going improve my property. I think any family who has any reason will never buy my home. This is going to cost me tens of thousands of dollars for a few hikers. Chairman Harbinson stated, early on when I joined this Commission, and I had not been involved in anything in City government, I would go to open houses on weekends. There was an open house on Mayflower Lane. I checked it out and asked the realtor, knowing where the open space was. I would ask, does my property line go to that stone wall I see there? They said, oh, yeah, it goes right to the wall and you have a nice back yard. I don't know who that realtor was that day and I don't know the realtors were for each one of you. Some of the information that's available to them might be lacking. Maybe we should be a little more communicative to them so they know when people are buying property where the open space is and what the intent of the open space. Even if you knew that was open space you might not have know that was meant to be a character of a naturalized space just left for ecological reasons or is it going to have some passive recreation opportunities on it. That is part of doing due diligence.

Commissioner McCreery added that the closing attorneys are not doing due diligence because when you bought your house they should have informed you that there is city open space behind you.

Mr. Sheffer asked where the maps are to locate the trails? Chairman Harbinson responded that in the P&Z office they have some but also Teresa Gallagher, our Conservation Agent, has an office and is here part-time, Monday thru Thursday. Agent Gallagher commented that they are online.

Mr. Sheffer stated, you can't tell me where the trail is, I mean seriously, how is, and you can blame us for not doing due diligence, you guys need to help us on this. You were out to that property. We talked to you; you were very helpful and gave us your time. We discovered this trail because my wife happened to see a map that looked like maybe the trail went through our back yard. We couldn't tell for sure and that's why we asked you to come out. You knew we were opposed to this. It sounds like you've made up your mind and no one contacted any of the homeowners out there.

Chairman Harbinson commented that we did by the letter, which obviously generated the concern and it's not a done deal, so to speak. What were doing is evaluating that location with the CT Forest and Parks person who has the knowledge of how this works in other parts of the state where there may be conflict. Is this the best location? Are there elements that can be introduced, such as naturalized screening that after growing up a number of years may be able to screen a hiking location from a private owners back yard. As I said in the beginning, any new trails that we look to have constructed which are normally constructed by volunteers, we have to have the Board of Aldermen approval; which has not occurred. It's not a done deal, in that sense of the word.

Commissioner McCreery said, when you look at the map, I really urge you to look at the entire city and appreciate that of all the connections of open space with strips; if all the neighbors come out and oppose the way you are opposing, the

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city can't use the land that it owns to connect open space to allow public access for taxpayer dollars to acquire the property.

Mr. Gangi said I think you are missing the point that we are trying to drive across. I talked to three realtors in town about the value of my home. They all said it would decrease the value of my home.

Commissioner McCreery said I disagree with that.

Mr. Gangi asked, are you a realtor?

Commissioner McCreery answered I have been a closing attorney for 20 years; I think I know, but go ahead.

Mrs. Bryon said, on face value it might not seem like it would decrease value. If we knew a trail exists or that it would be put there shortly, would we have bought our home? I can't say for sure right now, but probably not. If I had a potential buyer who didn't want it, then there goes the sale. I know in today's real estate market it's tough. If you need to sell your home and the first 3 people decide they don't want a trail in their back yard, you just lost the 3 buyers because of that trail.

Commissioner McCreery commented, I appreciate that and I understand your argument but I'm just saying but appreciate the argument you're making are the exact same arguments that the people off Field Stone Rd. to make, that the people off Vista Drive. They are subdivision lots right up to the trails. Some have trails, some don't. I just want you to appreciate that this is not an isolated situation. You are saying, you can't use city owned property because I thought it was my back yard.

(Many people talking at once)

Commissioner McCreery added that there is more, but that's part of the argument.

Someone asked, in the evaluation process, has anyone walked the trail to see how close you are to the backyards?

Chairman Harbinson said that is what we are planning to do right now. That was the purpose of the letter – to inform everyone that if you saw somebody hiking back there, and which they have a perfect right to do, because it's city open space, any person can walk there right now.

Chairman Harbinson commented that are advisory and we are finding an unfortunate instance in a number of situations where we feel P&Z has not carried through the full intent of why they had the open space set aside. Just this month we dealt with a brand new subdivision and found that one of the survey markers had been put in and there had been dumping on the open space. That was clearly on the recreation path, which is on a lot of planning documents.

Everybody knows about that because it's going to go from downtown to Huntington Center. It has timber bridges installed and routing and everything else. That's a perfect example of something P&Z has not carried through on.

We, on our own budget dime, went in and had it surveyed, had it pinned, put in a split-rail fence and worked with the property owners to try and locate it in the most esthetically pleasing manner. I am not suggesting putting in a split-rail

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fence in your backyards but there would need to be some sort of delineation if there were to be a hiking trail at that location. At this stage, all we're doing is the analysis with somebody who has more expert experience with this.

Mr. Gangi asked, you mentioned alternatives. Can you share some of them?

Commissioner Tate stated, Tom is kind of soft-telling you this. I'm going to tell you there is a direction. The direction was decided several years ago. We may revisit that direction. The direction is very clear. We think that we might want to put a split-rail fence along the inside of the open space corridor and then if you want to see it, leave it open. If you don't, then you choose to plant some pine trees or some other evergreens along the rail fence.

Mr. Gangi asked what is that split-rail fence going to do?

Commissioner Tate answered it going to help someone from wandering or making sure that it clearly defines the open space. If nobody uses it, it will grow up into woods and somebody would have to weed their way through and we will have a succession of planting and eventually will turn into probably what you would like it to be, a strip of woods near the stone wall. Right now the way it's set up and the way I would envision the property owners using the property is it would probably never revert to that. Regardless of it's being used or not. It's pretty clear to us to protect the city land and I think that you could respect that, is that we would want to define that somehow in the least innocuous and the nicest way possible. Maybe you have seen around the city in some of these places where the trails kind of meander in and out, the fence is a very nice decorative feature of New England. The problem is, you don't own the land, you will never own the land as far as I can see, so it's how the land is used is the problem. We have to make sure, and we are reasonable people here, we will take a look, and try to make everybody happy. The reality is, the plan is in force. We would have to change that plan.

Vice-Chairman Dyer stated that it is a matter of timing. The bulldozers aren't ready to do anything. Nothing happens quickly; it's all going to be done by hand. I noticed that at least 2 Mayflower residents have already planted trees along the back of their yard.

Mr. Gangi commented that what you and Tom are saying are two different things. Commissioner Tate answered that I said we have a plan on it; I'm not saying we're firm.

Mr. Gangi responded a plan with alternatives.

Commissioner Tate said sure, all of our work relates to a plan that is in place. I don't want you to misunderstand this. We have a plan in place but we can change the plan. Frankly, we'd like to execute the plan unless we hear enough from you and the city and all the related elements to that to move forward with that. It's going to go slowly; it's not going to happen overnight. I just hate to see homeowners do any type of improvements or protections or any type of situation where we're going to have to come back and say to move a shed or garden.

Mr. Gangi said that a lot of homeowners have spent a lot including myself. I spent \$1500 clearing that whole area.

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Commissioner Tate said no matter what, that strip, and you should get used to it, whether it turns to woods and is not used, it will not be a maintained piece of lot. No matter what, it'll never happen. Please be aware of it.

Mr. Gangi asked so you won't maintain what you own?

Commissioner Tate answered probably not.

Chairman Harbinson added not in a lawn setting.

Commissioner Tate added unless there is a safety issue we don't maintain it, or invasive species. I say "we", here I am talking about the City of Shelton.

Maintenance is not the strong point of the City. If we have big trees that fall down that's a safety issue and we have a tree warden to protect it.

Marc Dilieto, 30 Mayflower Lane

Mr. Dilieto said I know we spent a fair amount of time talking about the resale value of our homes and that is obviously a concern, but I moved here a year and a half ago and I will tell you my main concern right now is the safety of my kids. One of the reasons my wife and I chose this development was the fact that it is a nice, safe, secure private community. It wasn't the house, we like it, but it was the environment. At the time I didn't realize that this was the plan, and would it have changed my mind if I had know that we would have to welcome strangers into our neighborhood and into the yard where my 3 kids will be playing? And now I have to worry even more so than I already do as a parent about the safety of my kids? About some stranger walking through the back yard and having access to my children, to our children? That to me is unbelievable how, if there are other alternatives, you can't overlook that. Face it, I am not an opponent of walking trails; I am an opponent of this one just because of the location of it. Not because it encroaches on lawns but because of our children. This is an amenity; it's not a necessity. This walking trail will not make or break Shelton, but it will make or break our neighborhood. If my kids are now at risk, this is a definite concern.

Vice-Chairman Dyer asked why would you think that a hiking trail would endanger, versus people walking down your street?

Mr. Dilieto answered because they're not. They're not in your back yard.

Vice-Chairman Dyer asked what about your front yard?

(several people talking at once)

Commissioner McCreery commented that is one of the alternatives, is to put people on Mayflower Lane, which is in front of your house. That doesn't bother you?

Mr. Dilieto stated, in my back yard, if I look out my back window all I see my backyard. I don't see my neighbors, I don't see what's going on, I can't see if someone's lurking, I can't see if someone's waiting. If I look out my front window, I have a clear view of the entire road. My neighbors across the street – it's a different scenario. And how you can say that someone would be comfortable leaving their kids in their back yard, even for a moment to go get a glass of water or answer the phone when you know there's a possibility that someone could be legally welcomed into your yard – I just....

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An unidentified resident commented that the problem is that it's two dead ends. Any car that goes down the street we all know who it is and if we don't know who it is, there's a phone tree going – who's car is that? There's a teenage kid sitting in it, what's going on? This neighborhood has 48 kids from 1yr-17yrs. They play out on the street and run around on the street – we love that. The fact that in this day and age we can do that is great. The minute you open up the backyards for people who can come over from the high school, cut across and start going through the backyards it's going to change the whole thing. I won't sleep at night knowing that the next day people can be running up and down, through the woods.

Commissioner Welsh commented that it's not woods.

Donna Stewart, 42 Mayflower Lane

Mrs. Stewart said I have a different situation. I am the furthest house back. I have woods that come down that stone wall and borders the homes at Sinsabaugh. I don't know what they're feelings are about this at all. It's a 55 or older housing and if they are going to mind having people marching down where their property is. My concern is, I do a lot of walking. I walk down that trail that's across from the police station. I know there's been muggings there. They are going to do muggings on paved, open 12' asphalt across from the police station. Who's to say they're not going to come down and sneak in where Sinsabaugh is, hop on that trail and go down the woods? Who's to say they're not going to do that? We were all kids once. Hey, they hide in the woods. Then they're all going to do what they're going to do, come up behind my house and go into all their back yards. You can't deny that things like that happen. I have maybe 10' of woods before the trail would happen. It's fine when it's summer time but in wintertime I can see inside the Sinsabaugh houses. I think they would be opposed to it. If we have to bring in them, you know, I think the 55 and older people knowing that they're going to have random people walking up through there. That's a lot of wetlands there; I don't know if you've walked that.

Chairman Harbinson commented again, what's happening now is an evaluation.

Mrs. Stewart said it's all wetlands. I have a stream that goes through my yard and goes down.

Chairman Harbinson stated, as Jim said, all of our planning documents show this location as where we want to link that trail. It's a Blue Dot trail, part of the state network of trails. We're trying to work with the DEP to open our trails so that more people have access. No Child Left Inside and all that sort of stuff.

Mrs. Stewart asked, No Child – you're talking about an advanced hiking trail. No Child Left Inside? Do you think that little boy is going to hike on an advanced hiking trail?

Chairman Harbinson answered I would hope he would. I did when I was a cub scout.

Mrs. Byron asked, by himself?

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Chairman Harbinson said no, with the scouts. Just a quick comment; you do not have a dead end. It is a temporary cul-de-sac. So at one point your road can become a through road. Just so you're aware.

Barbara Sheffer, 10 Mayflower Lane

Mrs. Sheffer asked if you could list what the alternatives are that you are looking at.

Chairman Harbinson answered that we don't know what they are. With the CT Forest and Parks people, who I am sure have heard these kinds of questions and concerns throughout the state, they may have suggestions as to how the trail is routed or how it may be created. There may be areas nearby that have potential open space dedications in their subdivisions where it could be better routed. It could be down the street. It has happened in certain areas where the trail has gotten discontinued and broken up from subdivisions. I will say again, when this subdivision was approved that open space was set aside by the Planning & Zoning administration, who you all vote for, so that it could be the connectivity of the Paugusset trail.

Someone asked if it was reflected in the documents?

Chairman Harbinson answered absolutely. It's in the P&Z minutes and their approval. It has to be there.

Vice-Chairman Dyer commented that is why it is the way it is.

Commissioner McCreery asked what do we know of the status of the undeveloped parcel at the end of Canterbury between open space 77 and open 105?

Chairman Harbinson answered that property is undeveloped and there is no subdivision application.

Commissioner McCreery said that Commissioner Welsh thought it might have been purchased by White Hills Homes recently. Does that ring a bell?

Chairman Harbinson said I am not aware of that.

Agent Gallagher commented that the problem is if it comes out there, there is no open space directly across on Meadow Street.

Chairman Harbinson stated, bottom line, there are alternatives, both in the location we have highlighted on the open space behind your properties and there are alternatives in the area that would also provide linkage. We do have other stuff on our agenda that we need to get to.

Mrs. Stewart said I know you were supposed to have a walkthrough last Friday and it rained, obviously you didn't do it?

Vice-Chairman Dyer responded that they did. We didn't walk through your backyards but we drove by and walked through the Wiacek property and Indian Well. It was too muddy to walk up from Indian Well.

Mrs. Stewart asked what the mileage is from Indian Well to our neighborhood?

Vice-Chairman Dyer answered that it maybe $\frac{3}{4}$ -1 mile.

Mrs. Stewart asked where is the parking going to be?

Vice-Chairman Dyer responded Indian Well. The stonewall on Meadow Street – there won't be an opening there. There will be a way to climb over it.

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Mrs. Stewart asked what could prohibit somebody or we won't have all of a sudden a line of cars parked on the top of Mayflower, they get out of their cars and jump over that wall?

Vice-Chairman Dyer commented that they could do that now.

Chairman Harbinson said that if they were on your private property you could say something. There is no prohibition to parking on Mayflower Lane.

Mrs. Stewart said so you're saying they could park anywhere? You don't have strangers parking in your neighborhood.

Vice-Chairman Dyer said that every Saturday we have a line of cars parked by my house for soccer games.

Commissioner Tate commented that this is a very low use type of trail.

Vice-Chairman Dyer stated that on occasion you would have 20 members of AMC meet to hike that trail.

Mrs. Byron asked what you are going to do to prepare the trail?

Vice-Chairman Dyer answered that it will be 4'wide, 8'high.

Chairman Harbinson said I would invite you all to try and hike the existing Blue Dot trail in Shelton. If any of your kids are in scouts talk to the scout leader about doing a hike. At certain areas in Shelton near the areas in town where the streets are named after poets there are locations where that trail is very close proximity to existing properties. I think it would be beneficial to see what we are talking about. The misperception is that it's like the other trails in town. It's not like that at all.

Mrs. Byron asked where would you suggest we start?

Chairman Harbinson said he would make copies of the trail guide.

Tape 1, Side B

Terrance Gallagher, Trails Committee

Mr. Gallagher commented that one neighbor, Mr. Dikofsky donated property to the City last month because he liked the trail they put in the rear of his property. His yard is wooded. He liked the fact that we were doing a nice job of the trail and we really haven't had any major management problems with any of our trail network since we've been putting them in. We've got miles of trail in since 1994 when we started. We get people of all ages and types that use them. Some trails are heavily used like for fishing access at Nells Rock reservoir and some get elderly couples out. We are not trying to cram the entire world through your back yards; that's not our goal. We understand some of your concerns very well and would love to work with you and show you some of our other situations around town. If anyone is interested I would be happy to show you Lane Street. The trails are mapped out on the Shelton trails website.

A young man from the public said I don't want a trail in my backyard because I just don't want strangers in my backyard.

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Randy Brideau, 3 Mayflower Lane

We just moved in 3 months ago. I spent over 30 years in law enforcement and my main concern is Shelton is developing very quickly and is becoming the “in-place” to move to. We are very close to the high school and Jr. High school. On Meadow St. you see a lot of kids wandering up and down and I am wondering what the heck is going to happen 10 years from now when you have this easy egress into people’s back yard with the increase in the high schools. It’s almost an open invitation to wander around into the backyards. There is an informal neighborhood watch now that if anybody comes down the street they are easily identified. 10 years from now that may not be the case if the trail goes through. I know it is originally designed for experienced hikers but that doesn’t say it’s going to be limited to hikers. Anybody can wander up and down in as short a distance or long distance as they want.

Mrs. Stewart said that kids will catch on that there is a trail there and say oh, cool, let’s go down this trail and end up down in the woods partying. They’ll stop there because they won’t be able to go much further because as you said you do have to be an advanced hiker. There might be a congregation down there when they say let’s go down there and hang out.

Mr. Brideau said that Roosevelt Park in Stratford was a great hangout for kids; a lot of beer parties down there.

Chairman Harbinson said I think we’ve covered most questions and that you have an understanding that this is something we are reviewing but it is something that has been in our plans that we feel strongly about but like I said we’re volunteers and many of us have children as well and we understand your concerns and will keep in contact. Teresa Gallagher is at City Hall and has email as well as phone.

It was asked if anyone would be working on our behalf that would be looking out for our interests that we can contact? Because it doesn’t seem like this is it.

Chairman Harbinson responded that you are represented by your Aldermen. I assume you all know who your Aldermen are?

Mr. Brideau person said not really – I just moved here.

Chairman Harbinson stated that the Aldermen in your ward are Jason Perillo and Stan Kudej. I know that the Mayor has been in touch with you and I have informed both Aldermen what our plans and concerns are with doing this in your area once we heard the public concerns. They are aware at least of the issue. You are certainly welcome to contact them. Our charge as the Conservation Commission is to act as the environmental consciousness of the community. We are purely advisory and any improvements upon the open space have to be approved by the Board of Aldermen.

There was discussion regarding contacting and meeting with the Mayor. They all thanked the Commission for listening to them.

Trails Committee Report

Vice-Chairman Dyer reported as follows:

Planned Projects for 2007

- a. **Work is being done on the millings on both sides of bridge.** They will be putting down 12' wide of filter fabric and covering them with about 8-10' of millings, leaving a couple feet of space available with wood chips if we decide. It is proceeding very quickly. They also are going to bolt down the bridge. Fortunately it didn't wash away from the last storm.
- b. **Issue of parking and inappropriate access along Constitution North-**
We are going to put boulders in. There will be boulders in at the 108 side. The Commissioners had a discussion of maintenance issues.
- c. **Trail at the old Master's site at Rte 110 and Far Mill River-**
The shed was moved in time because they are progressing quite rapidly. It looks like they have gone a lot further back than what the drawings show. There are photos. We went over the maps and Terry and I both have gone over there. It is certainly feasible to do it. They do have silt fencing all along the river. Terry Gallagher said that the key points that we came out of this after looking at the maps, is there are two beautiful specimen Sycamores that are on the edge of the fill piles near the old wooden rail wall they are supposedly not touching. They would really do a nice job defining the public open space. There's historic ruins on both our land and Stratford's open space. Vice-Chairman Dyer said he would talk to Jim Swift to get an updated map and will work with the owners to get public access to the river. We talked about having designated parking spots possibly in the front parking lot.
- d. **Trail along the driving range and behind the hockey rink-** We sent a letter to Planning & Zoning. Agent Gallagher said it would be covered later in the meeting.
- e. **The Wellsprings Estates trail – Far Mill River Trail-**
*Commissioner McCreery recused himself from the discussion. Vice Chairman Dyer reported that he did walk down there today. There is a start of a trail, then it stops and there is a no trespassing sign on open space. They are now building the last house so we need to make sure they remove the stuff that's been dumped on the open space. We need to make sure the bond doesn't get

signed off before they put the trail in that they agreed to do. They agreed to write a letter to Rick Schultz.

Commissioner Welsh MOVED to write a letter to Rick Schultz with a copy to the Mayor regarding Well Spring Estates noting that we have visited the site and the open space dedication does seem to have stockpiling of materials from the construction furthering on the project and that the open space dedication doesn't have the appropriate signs and there is a "No Trespassing" sign posted. Before any bond is released they need to follow through with the conditions of approval concerning the open space dedication. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were favor, MOTION PASSED.

Connect Blue Dot Trail to Shelton Lakes

We did the field walk. Ann Colson from CFPA and other volunteers, along with John Marin, the trail manager, and Lynn Reed. Agent Gallagher reported that she went as well and that they didn't walk on the property off Mayflower. Ann Colson said she would be able to get information to her which states that trails increase property values. Chairman Harbinson commented that this is something they have encountered before and been able to address to the satisfaction of the people who live in those homes. Commissioner McCreery commented that the political reality is that the Mayor and the Aldermen are confronted with this many families it may be stopped in it's tracks, which is a shame because I do have people walk by my house everyday and I never think they are going to snatch my son or my dog. I have to take umbrage with anybody who assumes the property behind them is theirs. You get a map and a deed. I don't assume that part of Jones Farm is my property. I also take umbrage with the fact that it is not their property, it's City property. It's for the benefit of all residents, not just this subdivision group. If you had seen any subdivision map you would have seen that. If you look at our green maps we have tons of these connecting pieces through lots. Agent Gallagher said that the Mayor's secretary, Cyndee put out an email saying that the Mayor was not in favor of fencing. He prefers the green screening. If the split rail fence goes in we need permission from the Board of Aldermen. The solution suggested by the CFPA people was that they said to flag out a route we want and they would come back and walk it when you are ready. This is a process that will take some time to do anyway. The Commissioners agreed that they felt it was an unfair comment from the public that they were suddenly shocked and surprised that we were doing this trail; we have been diligent in informing them. Chairman Harbinson asked, if it turns

that the property gets properly delineated maybe with some sort of vegetation, maybe in 5 years that's grown to a point where it's a proper screen and it's no longer a nice cut lawn and it's somewhat turning into a woody meadow, at that point won't it be a lot easier having the trail put into place? It's not something that has to happen next week. Terry Gallagher said he wanted to note that the Trails committee went through all the different parcels that the City spent hundreds of thousands of dollars assembling and trying to implement from the 1983 open space plan, which all the Aldermen voted for, and the consensus from all the Trails Committee members was unanimous, that we would want to use the city owned property for the trail since the taxpayers have already spent the money to acquire it. Particularly in light of the fact that the developer got some type of density bonus because he was giving us the open space for the trail. There could have easily been 4 less houses there and not have them problem, but the way it was approved was with this corridor. Chairman Harbinson suggested going back into the minutes on our behalf to see what the P&Z discussion actually was. The Commissioners discussed other open space strips in various subdivisions. They also discussed that this is a good example of why it is so important to require open space delineations upon subdivision approvals. This becomes problems down the line. There was also suggestion about sending open space information to the realtors. Agent Gallagher asked if there was any action at this point and Chairman Harbinson said we should probably wait until after the Mayor has met with the homeowners.

Preservative for Pedestrian Bridges

We went out to the bridge at Huntington Center to examine the damage. The City already has repaired it. The state had a crew under the road bridge to remove logs. We suggested other areas around there that needed attention and the state crews said those would have to be addressed by another group. They did give us a recommendation for a preservative to use for the bridges but it is expensive. We will look into this later in the year. We'll probably be coming back to request money for materials.

Funding for the Rec Path

We still have to get the package together for Phase I.

Lane Street

Completed and pictures were taken by Agent Gallagher.

Dikofsky property

The deed has been signed and it is now Shelton Open Space

National Trails Day

We have two work parties set up for the 12th & the 19th. We will put out information asking for volunteers. The Ravis real estate group has volunteered to provide water and support for the hike on Saturday, June 2nd. The start time is 10:30.

There was discussion regarding the apparent mugging on the path that was mentioned earlier and Agent Gallagher said that it was one group of kids from the Intermediate School retaliating against another group from the same school.

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

Old Applications

Aspen Ridge - PZC #07-05 PDD Phase II Detailed Site Plan.

Chairman Harbinson reported that the Board of Aldermen requested to comment on dedication of the open space. We had not given them a formal reply. Agent Gallagher inquired as to what they wanted to know from the Conservation Commission. They wanted just to know yes or no. Commissioners Lauriat, Welsh and McCreery recused themselves from the discussion. Chairman Harbinson commented that the open space dedication that was approved by Planning & Zoning has to be approved for acceptance by the BOA. The BOA is asking for commentary whether it would be appropriate for them to accept said open space dedication. I don't know of any hazardous materials on the property. The site plan did have some disturbance on the open space before it would be dedicated. In light of what we talked about with Well Springs Estates where P&Z has shown a practice of allowing stockpiling of materials on open space in violation of their subdivision regulations that perhaps that should be noted in the reference letter to the BOA. We should say that we would like it accepted in its current form, unaltered. Commissioner Tate stated that he feels this project was a bad decision by the City of Shelton and we are forced to follow suit. I have reservations about the success of this project because of it's proximity to the Far Mill River. There are just endless numbers of reasons why this project was objectionable. I would recommend to approve it with some type of prejudice. Ms. Chaya asked for clarification of the motion Commissioner Tate wanted to make. He explained that it is our obligation as a City Commission to approve or reject the submitted configuration or spatial definition of the open space as handed to us by P&Z approval. Through the course of this approval process

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Conservation Commission and other agencies of the town have made it very clear that this project has some serious faults. This Commission has a difficult time giving any "approval" because it shouldn't have been there anyway due to its proximity to the open space to the Far Mill River and it's just not adequate. I think as time goes on we will find that the construction was not the best decision. During the construction process all safeguards should be taken because of the proximity to the Far Mill River. We are faced with it so we are recommending that the BOA accept the open space dedication from the subdivision. The only reason we are accepting it versus fee in lieu of is to get the connection between current preserved open space. Chairman Harbinson agreed with Commissioner Tate and said I don't want our Conservation opinion on this saying yes; it's ok to accept the open space to be construed as something we wanted in the first place.

Commissioner Tate MOVED to accept the open space dedication with prejudice. Subdivision regulations regarding open space dedication should be specifically followed (no stockpiling on open space, no clearing of vegetation on open space other than invasive species). Planting should be only native species. There should be no thinning of trees. This motion and letter to the Board of Aldermen accepting this open space as a dedication to the City should not be construed to be an approval of the subdivision or an endorsement of the subdivision because the Conservation Commission opinion on that subject has been clearly stated previously. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor (Commissioners McCreery, Lauriat & Welsh recused). MOTION PASSED.

Bishop Development, 865 River Road - PZC #06-41. Location of proposed walking trail to the Far Mill River

(Discussed in the Trail Committee Report)

Avalon Bay Shelton II - PZC #07-16 PDD zone change, Bridgeport Avenue for a 99-unit multi-family. Request to shift location of existing conservation easement per Inland Wetlands conditions from the southern property line to northern property line along Huntington Street.

Chairman Harbinson reported that the plans have been revised plus we received a letter. The letter was read aloud. The first item of concern was regarding the emergency access. They will comply as directed by the town planner regarding grass pavers. The second item was concerning the conservation easement stretching across the entire length of Huntington Street. Their response was that they would submit revised plans to the town planner for approval to comply with the request. The third item was to ask the developer to grant a conservation easement down to the 272 proposed contour line with appropriate grading to support vegetation and similar plantings of evergreens and deciduous trees. The

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developer will submit revised plans to the town planner for approval. The next item was to provide more plantings along the extreme property line on the south against residential properties. The developer will submit revised plans to the town planner for review and approval to comply to the request. The next item was regarding providing an approved lighting plan to minimize light pollution. The developer will provide this. The item where the Conservation Commission requested the right to review the language of the conservation easement. No comment is required. Finally, regarding the site disturbance, the developer responded that it is necessary to disturb approx. 1900 sq. ft. of the proposed relocated easement to construct the proposed building #6. They are submitting a revised sketch that limits work to landscaping and grading. Note that 1900' area can be re-vegetated and replanted upon completion of construction. Installation of an underground drainage in this area is limited to drainage piping on the edge of the easement. Moving the building to accommodate this request requires modification to the site plan we believe are not prudent in terms of vehicular circulation on site. That option is available for review by our office. The Commissioners discussed a few points. No comment is needed but for Agent Gallagher to convey to Rick Schultz that we are pleased that our concerns were taken into consideration.

Avalon Bay Shelton I - PZC #07-15, PRD Amendment & PRD Development, 40-unit cluster on Armstrong Road

Revised plans have been submitted. Chairman Harbinson stated the drawings were revised and stamped received by P&Z on April 26, 2007. No title block or date on the drawings. Agent Gallagher stated that there was no letter of request to the Commission. Chairman Harbinson commented that not only is there no date on the drawings but there are two different drawings and it doesn't tell what they are applying for.

Commissioner Lauriat commented that it shows 23 acres of property. The open space dedication they say is provided and required.

Chairman Harbinson said there is a hand-written note from Rick saying he just received the sheets for the Shelton I project. They break down the open space area for the conventional layout and PRD layout. The conventional is showing 16 lots. The total site area is 22.94 acres, with 4.12 acres, 1.9 is qualified open space (conventional). They are supposed to give 10% dedication of qualified open space. So dedication should be 2.294 of qualified open space.

There was discussion of the two plans and how much is qualified open space and determined it appeared it has been met.

In the PRD layout they are showing 40 homes. Qualifying area provided is 3.79 acres out of a total open space of 6.59 acres.

The drawing details were discussed. They also discussed what commentary would be appropriate or whether it would matter or not. Commissioner Tate said that they did address the buffer to the homeowner on Daybreak Lane.

After discussion of what commentary would be needed some of the points is that it is a heavily disturbed site. The areas shown in light green will be denuded of any type of vegetation. The dark green area between it and the light green should have a boundary line of an orange construction fence with silt fence. That area outside of the boundary in the open space should not be touched. Vice-Chairman Dyer remarked that the areas noted as "CE" are conservation easements. There should be an orange fence around the conservation easement, with a silt fence on the downhill side.

Commissioner Tate MOVED to recommend the City accept the proposed open space and conservation easements and the areas be protected pre-construction with a silt fence on the lower portion and a 4' high polypropylene construction fencing (orange in color) to prevent intrusions into the conservation easements and dedicated open space. We request knowledge of the plans of the 3 structures on open space. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.

Beacon Point Marina - PZC #07-11, 704-722 River Road. PDD and zone change from IA-2 and IA-3 to a Special Development Area for 300 boat slips and 24 condominiums.

Nothing new to report

Golf Center of Connecticut – PZC #07-06, River Road. Expansion of existing building located within PDD#30 on the Housatonic River.

Agent Gallagher reported that the owner said the trail is definitely there but needs to be cleared out and he will take care of it. P&Z did not make any comments about adding a pedestrian easement. Our letter was read into the record.

Deanwood Meadows – Re-subdivision of Lot #3, PZC #07-20, 212 Soundview Avenue, involving conservation and pedestrian easements

Nothing new to report

Housatonic River dredging

There have been articles in the newspaper regarding this and the Board of Aldermen through the Mayor's encouragement has approved forming an estuary commission. This should involve every municipality up and down the Housatonic River from Oxford down to Stratford.

Open Space Plan

Agent Gallagher has prepared a draft and so far only received comment from two Commissioners.

Commissioner Lauriat mentioned that tonight someone from the public asked the question of who is going to maintain the open space. This is a good question. The Land Trust group has spent money on maintenance of some of their property and what everyone needs to remember is that it takes money. Commissioner Welsh commented that it doesn't take a lot of money but it takes a lot of effort to get it where it's manageable. Commissioner Lauriat said that there are some of the properties that can be taken care of by mowing but there also are a lot of properties where you can't mow. Someone needs to step up and do something. Commissioner Tate said that the only way it can be put into an update or action plan is to first have the recognition that there has to be an ongoing fund or source of safety or emergency actions that would affect the adjacent property owners for removal of trees, etc. The way to do that is to contract with a tree service for so many hours or so many things as part of an ongoing maintenance plan for tree service. You would have to set aside a certain percentage of the open space fund designated to maintenance. The mowing issue is something that needs to be addressed. Certain meadows need a maintenance program. Commissioner Lauriat said it might already be too late on some of the meadows. The point I wanted to make was that this item in the plan should be moved up in priority of the goals.

Communications

Clear-Cutting Ordinance

Ongoing

New Conservation Commission Member

There has been no action yet.

Eminent Domain

Vice-Chairman Dyer and Chairman Harbinson reported that after the Pinecrest property was subdivided there was an open space dedication along Long Hill Avenue was a strip from the firehouse that most people perceived was going to go to Wintergreen Lane. However there was a parcel in the corner that was retained by the Zuckerman's. At one time they had applied for an affordable housing project. The Board of Aldermen authorized the Mayor to negotiate to acquire that parcel as open space to be continuous with the rest of the open space as a buffer. Then all the permits were pulled to clear-cut the property to build. Now there was an acceleration to try and acquire the property. There was an email from John Anglace to give commentary about what might be able to be done on the site to re-naturally vegetate it.

Conservation Agent Report

Agent Gallagher reported on the following:

Open Space Inventorying and Mapping

No new progress.

Community Resource Inventory Committee

This committee has not yet met and I am still looking for members. So far I have Jason Perillo, Randy York, Gil Pastore, Ron Pilkowitz, and Margaret Paulsen & Dave Zamba. I would like at least one member from the White Hills, and I posted a notice at the Community Center. I received information re minority representation from Sandy Nesteriak that she says we are required to meet.

Open Space Trust Account

As of April 30, 2007, the Trust Account balance is \$172,048. There was no activity in the account over the past month.

Procedure for Delineating Open Space Boundaries

Rick Schultz is waiting for our updated wording to the standard approval conditions. First draft, which Tracy Lewis reviewed, is:

26. Prior to the commencement of subdivision improvements, the boundary lines of all open space areas shall be established in the field BY A LICENSED SURVEYOR and marked by permanent, readily visible markers, where such lines intersect any lot line, road, or perimeter line within the proposed subdivision (and at such other points as may be required by the Commission to ensure identification in the field SO THAT ADJACENT HOMEOWNERS AND CITY OFFICIALS CAN IMMEDIATELY LOCATE SUCH PROPERTY LINES IN THE FIELD). SUCH MARKERS SHALL CONSIST OF 3/4 INCH REBAR SURVEY MARKERS WITH STAMPED SURVEY CAPS AS SUPPLIED BY THE CONSERVATION COMMISSION AND SHALL EXTEND 12" ABOVE THE GROUND.

IN ADDITION, Delineation of the limits of open space shall be made utilizing signs provides by the Conservation Commission in order to avoid inadvertent disturbance of the open space by adjoining homeowners, and to make known the location of the open space. IF THE OPEN SPACE HAS BEEN RECENTLY CLEARED AND MAY BE MISIDENTIFIED AS PART OF A NEARBY LAWN, THE BOUNDARY LINE SHALL BE FURTHER REINFORCED BY THE ADDITION OF A FENCE, WALL, OR PLANTING OF SHRUBS OR TREES ALONG THAT BOUNDARY.

Comments received from Tracey Lewis: "The pins are going to be difficult to maintain it seems that a sturdy sign 4' long made of heavy plastic might be more visible with verbage on the sign indicating a fine for removal. You could also do the 4" x 4" cedar post to hold the sign. Tacking signs to trees is not accurate enough unless the surveyor determines that the tree is on the property line. If you are losing the signs in trees the pins are going to go just as easy. The pins by a surveyor will tell the subdivider where the line is exactly and then follow up with the placement of signage along the lines as designated by the commission. In your second paragraph the word "approximate" does not work for a surveyor. The signs should be placed as close as possible to the boundary line."

Commissioner Tate MOVED to follow the verbage as corrected and discussed relevant to marking future subdivision property lines for the Conservation easements or Conservation lands or open space. We are recommending Planning & Zoning accept this as a standard approval condition. SECONDED by Vice-Chairman Dyer.

Tree to be cut at Kimberly Drive

Dean Cawthra has indicated that another tree needs to be cut down on City open space off Kimberly Drive, same house as before. He estimates the tree will cost \$800 to \$900 and needs to know if Conservation will cover the cost. Vice-Chairman Dyer commented that the city has an agreement where they go out for bids for electricians for emergency service. What you said is we ought to have the same thing for trees. That we have someone set up where we don't have to go out for bids each time we do this.

Commissioner Welsh asked if the money is coming out of our account or the tree warden budget?

Chairman Harbinson answered that it is coming out of our budget. Maybe we should have Dean Cawthra provide three quotes.

Commissioner McCreery suggested letting him take down the tree but ask him if the City has a mechanism for a preferred provider at the best rate possible for tree removal. In the future the Commission would like to know when there is a need to remove trees, since it will come out of our budget, is there a preferred tree provider that was obtained by competitive bids?

Commissioner Tate suggested just asking Dean what the requisition process is and then we'll evaluate it.

Tape 2, Side B

Princess Wenonah Drive/Hiawatha Trail Open Space #58.01, complaint re: trees that need to be cut and drainage from O/S

Photos and video were posted on Conservation Google website. What is Conservation policy regarding open space trees not overhanging private property?

Commissioner McCreery MOVED to refer the complaint to the Tree Warden for investigation. SECONDED by Vice-Chairman Dyer. A voice vote was taken, all were in favor; MOTION PASSED.

Commissioner McCreery MOVED in reference to the drainage complaint we recommend this be referred to the City Engineer to investigate if there is any issue involving the City's liability for the City's drainage system. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.

Silent Waters – research into historical remains at site of Rec Path

Per Mike Picone at Aquarion, the concrete pads along the based of the dam once supported a large pipe.

Rec Path Grants Status

I am waiting for estimates from Engineering Dept. and Parks & Rec for their services "in-kind"; once received I can submit for reimbursement.

Status of Encroachment issues

See attached spreadsheet.

<http://spreadsheets.google.com/pub?key=p7eVfoW0oJhvt7WAQyJrDYw>

Litter Committee meeting with Mayor

The Mayor invited several residents who have voiced concerns about litter to join a new committee and he asked me to attend and act a liaison for members. The first meeting was Thursday evening, April 26, and the next meeting is this Thursday at 7:30 in the Mayor's office.

Commissioner Welsh said that the Land Trust had a cleanup in the Means Brook watershed on the Nicholdale property. We removed 4 bags of garbage out of the stream corridor, plus another bag along the road in two hours time with a handful of people.

Agent Gallagher said that she has heard that there is a lot of garbage that washed up after the big storm.

Commissioner McCreery commented on a seemingly increase in littering around Shelton as well as Connecticut. He said his neighbors suggested using the crying Indian or similar for a poster educational program.

Commissioner Tate said something that may be contributing to the litter problem is items flying off the recycling and garbage trucks. The items are not secured.

Birchbank Mountain Open Space (OS 94)

In response to complaints about ATVs and paintball, I visited the site on a Sunday afternoon when these activities are most likely. My report with video and photos are on Conservation's Google website.

Communications

Chairman Harbinson reported on the following:

- Copy of letter from Inland Wetlands regarding Holly Lane. No action needed.
- Letter from the Attorney for the Condo Association at 2 Buddington Park. Their property abuts 122 Buddington Rd. They were concerned because they heard of some development being proposed. They wanted to be made aware of any and all activities.
- Copy of the Dikofsky deed.
- CT Woodlands CFPA newsletter
- CT Farmlands Trust newsletter
- State of CT DEP notice regarding a tentative determination for a pollution discharge permit for Auto Swage.
- Memo to Bob Kulacz from Sandy Nesteriak regarding the pedestrian bridge on Means Brook wanting to know the extent of the damage.
- Memo from Bob Kulacz to Sandy Nesteriak stating there was no damage or erosion to the sub-structure. The pre-cast block supporting the sidewalk was undermined and Parks & Rec. will be made aware of it. (The repairs have been done)
- Iroquois Gas right-of-way. They received our letter regarding the right-of-way management. (Letter read)
- On Tuesday, May 8th at 1 P.M., Terry Jones is having the people from USDA and NRCS up at the farm to go over any qualifications regarding easement language and delineation. As part of that grant there has to be a survey done of the property. It may be as low as a class "D" survey, which may just be a basic survey. It may be worthwhile to contact people who would be quoting to do that work for us to and have them attend the informational meeting.
- At Old Coram Rd where Waterview Landing is at Murphy's Lane, where the emergency right-of-way where Royal Wells built a stone wall and put crushed gravel in. After the rain storms there was a 4-5' sinkhole. Public Works has filled it in.

Quality of Life – Executive Session

Commissioner Lauriat MOVED to go into Executive Session for the purposes of discussing land acquisition issues at 9:50 P.M. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to come out of Executive Session and return to regular session at 10:10 P.M. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner McCreery MOVED to report favorably on the referral from the Board of Alderman on the potential purchase of open space near Birchbank mountain. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Adjournment

Commissioner Tate MOVED to adjourn. SECONDED by Commissioner Lauriat. All were in favor, MEETING ADJOURNED at 10:12 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission