

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday March 4, 2009 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
Joe Welsh, Commissioner
Ed McCreery, Commissioner

Also Present: Teresa Gallagher, Conservation Agent
Terry Gallagher, Trails Committee
Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:05 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

Commissioner Tate MOVED to approve the minutes from the February 2, 2009 Special meeting. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.

C. Public Portion

None

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. Rec Path – Phase 1

a. Flag trees for removal

Terry Gallagher reported that he has flagged the trees based on the spreadsheet data provided at a previous meeting. Some of the saplings and smaller trees have already been taken out. Mr. Gallagher detailed for the Commissioners what trees along the path that have been flagged. The Board can look at them and take action at the next meeting. The trees are numbered for reference. Hopefully we can get the City Engineer to request that the UI relocate the guide wire.

b. Shore up the erosion in the section between the dams

We are going to have to evaluate it in the spring.

c. Fence between the dams

We walked the area and we should have a quote before the next meeting.

2. Rec Path – Phase 2

a. Upgrade path around the white house and/or start from Oak Valley

We are going to walk that again and we all have had some thoughts on two different proposed routes. I don't think Parks & Rec will get to it.

3. Rec Path – Phase 3a&b

a. Status of the P.O. for Jim Swift to lay out the route & preparation of the wetlands application

The quote is still pending waiting on the Mayor's signature. This item is for Jim Swift to lay out the route from Lane Street extension across Wesley, connect to the two boy scout bridges, back across Wesley, out to the power lines.

4. Parks & Rec/Tree Warden's to-do list

I met with Dean on our outstanding items.

Last Saturday's work party we relocated the Rec path that was on one person's property (showed and detailed). We also cleaned up the brush piles that the adjoining neighbor dumped on City property.

In the discussion with Dean Cawthra about our need on the Rec Path, Dean said we would have to rent a small bulldozer to come off of Lane Street. I called F&W Equipment Rental in Orange and got a price for an 8' wide bulldozer for 24 hours for \$285, plus the diesel fuel. This would be used to augment what Randy Szkola already did for us and to level out the area. At the next work party (3/14), the Trails Committee will go out there to review it and determine which trees need to be cut by the tree warden, and to determine if this is the appropriate way to handle the work needed.

The scope of this task is to use the bulldozer to create the base, we would provide the filter fabric and it would be spread out. Dean would come back with his staff to use the remainder of the millings that are at the house on Nells Rock Rd. to create the Rec path base for Phase 3c section from the boardwalk to Lane St.

Vice-Chairman Dyer asked the Commission for the authorization to spend the \$285 to rent the bulldozer.

The Commissioners discussed the idea of the equipment rental and the proper procedures in detail. They discussed the fact that any expenditure under \$500 is at the discretion of the Chairman of the Commission.

Trails Committee member Terry Gallagher discussed some of the items they would be concentrating on at their next work party – cleaning up yard waste

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dumped in the city property at Lane Street, determining which flagged trees should be removed, and some removal of invasive species. He invited the Commission members to come out.

Commissioner Tate discussed the change in the public's perception and sensitivity of encroachments from their property that border open space and conservation easements along the Rec path. He urged concentration on getting the Rec path done before we lose the public force behind it to get it done. The Commissioners discussed their focus and how they are trying to get this done and the stumbling blocks along the way.

Trails Committee member Terry Gallagher commented on the drawing that Vice-Chairman Dyer was detailing for the Commissioners is the Tracey Lewis survey for the Rec Path from Lane Street up to the Lane Street fire access road and it shows several hundred acres of Land Trust and City owned open space that are being managed by volunteers to save the City money. The work party last Saturday, where we had encroachment issues by one of the neighbors on Lane Street that we fixed with a fence and plantings that Agent Gallagher put in last year is coming along nicely. That resident of the property where we had to relocate the Rec path came out and talked with Vice-Chairman Dyer and was fully in favor of our work. All work inside the Lane Street parcel and the Land Trust meadow, there has been no problems with that. There was discussion at our Trails Committee meeting about how to handle another area between an existing house and a swamp so that we would not impact the neighbor with our construction, recognizing that the neighbor is doing some minor dumping in the open space. We are also continuing cleanup of old dumped material. We are trying to help manage an extremely valuable city asset as cheaply as possible by using volunteers with a very small amount of money. We have had very positive results and comments from people who use the trails.

Chairman Harbinson commented that he feels the public sentiment of trail users and having a broader base be passionate about it will happen now that Sound Construction contract has been completed and will open people's eyes to what it could be. Through our other efforts that we have made via the web site and all the transparency that we have for people to know what our goal is, you can't miss it. I think you are going to get more of the public becoming advocates for it.

Terry Gallagher pointed out that it is an asset that has to be taken care of. Chairman Harbinson commented that at some point that asset use is going to be to such a level that it may go beyond just volunteers. Then at that point it's going to be a community amenity that everybody enjoys, they are not going to mind spending a little bit with a staff person to pick up and maintain.

Vice-Chairman Dyer continued by reporting that Dean did clean all the vegetation around Pine Lake bridge and dam. Agent Gallagher directed Dean as to what needed to be removed.

5. DEP Transportation grant status

We did not win the 2008 DEP grant. There was a little over \$1M spent with \$7M requested. Unfortunately we did not win this round. It mainly went to big regional projects. We received this news unofficially and should be getting a letter soon.

Terry Gallagher said that this grant was going to be used to not only help build the Rec Path but also to purchase equipment.

Vice-Chairman Dyer said that we would like to purchase a trailer for the Gator and a mower attachment for maintenance along the trail edges. At the next meeting we will provide a list of equipment needs.

The Commissioners discussed the budget in reference to equipment purchases.

There also was discussion of needing to store the Gator at a different location from the EMS facility.

6. Connect Blue Dot Trail to Shelton Lakes

I met with Joe Maler, head of the Osborndale/Indian Well/Silver Sands portion of the DEP. We went over the map and showed him exactly where the trail traverses. He didn't see any problems with it and said he would forward the information to his supervisor and recommend they allow us to continue. I said we are not going to cut down any living or dead trees, keeping with the typical Blue Dot standards. He gave me some DEP group volunteer applications. No one has any problems with the section from Rte. 110 to how to get to the last portion on Meadow Street.

Tape 1, Side B

There was discussion as to the fact that the Conservation Commission endorsed the Trails Committee route and the Board of Aldermen still has not rendered a decision.

Chairman Harbinson suggested trying to get more advocates for this trail from the Summerfield Gardens residents.

Agent Gallagher commented that BOA President John Anglace said he would put this item on the March agenda. Mr. Anglace said he first wanted to get the new Alderman, Eric McPherson up to speed and to have a site walk after the snow melts. He also said he wanted to make sure we are all in agreement on a route through the Wiacek property.

Vice-Chairman Dyer said he would contact Eric McPherson and bring him up to date.

7. Membership and Volunteers

We officially welcomed our two new Trail Committee members, Jim Taradine and Pete Conway.

We had 10 people show up for our maintenance work party, which is the most we have ever had.

E. Shelton Canal

1. Closure of public recreation area, letter to FERC submitted by Conservation

Agent Gallagher reported that she drove down to the canal today and there is no fence. The second fence is still there. There is a “for sale/or co-development” sign at the site.

2. Filling of canal for site development – Army Corps wetlands permit temporarily withdrawn.

No change in status.

F. Open Space Plan of 2009

The Planning & Zoning Commission did adopt the plan. The plan can be viewed at www.sheltonconservation.org and a copy may be found at each library branch. Chairman Harbinson commented that the web site looks fantastic. There is a lot of good information is well laid out by her design.

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

1. Old Applications/Monitor/Follow-up

a. I/W#09-02, Fortin property – 220 Soundview Avenue. Clear-cutting in wetlands and conservation easement area.

Agent Gallagher stated that this is where the homeowners cut trees down near their driveway area and they had a planting plan. John Cook asked us to review it and Ray Sous advised Wetlands to get our opinion as to what we would like to see for a planting plan. This has been going on for a couple of years and the IWC are not happy with what has gone in but they haven't been very clear as to what they want to see. There are areas that are a conservation easement that are not in the wetland regulated areas.

Chairman Harbinson asked if had minutes of when this was first reviewed and Agent Gallagher said her recollection was that we were going to refer to what the IWC wants.

The Commissioners spent some time recollecting what was said at the meeting.

Chairman Harbinson reviewed and read some of his emails for comments and it was determined that the homeowner was before this Commission at the November 1, 2006 meeting.

Marianne pulled up the minutes on her laptop from the 11/1/06 meeting and Chairman Harbinson read excerpts from the minutes to the Commissioners.

The minutes reflect that the homeowner stated he planted 25 ornamental fruit trees. The homeowner told the Commissioners he had full intention to replace the trees to whatever the Commissioners want.

There was also a comment that the homeowner should get tree species recommendations from Agent Gallagher and that we would wait and see what the IWC wants and then to monitor the situation. We were looking for native tree plantings.

We clearly said back in 2006 as to what we wanted to happen. Put it back to as close to as what it was before, within reason. The Commissioners discussed the issue and determined the homeowner should plant more trees and let the grass grow higher. Don't mow the grass and have it be an edge habitat.

2. New Applications

a. PZC# 09-06. Lazybrook Estates – 353-357 Shelton Avenue. 3-lot subdivision, family exemption from open space set-aside.

The applicant is proposing a 3-lot subdivision to be retained by family members and thus is exempt from the open space set-aside provision. The Commissioners reviewed the drawing and had discussion as to since there is no open space set-aside, why are we reviewing it? They did note during their discussion that there doesn't appear to be legal street frontage of one of the lots. The zoning is R-1. Vice-Chairman Dyer pointed out that there was a waiver granted at the Jan. 20, 2009 Board of Appeals meeting.

Chairman Harbinson commented that as a Commission, we are not going to make an official opinion about that because there is no open space. I would like Agent Gallagher to ask Rick Schultz to look a little closer at this because it seems that one of the 3 lots doesn't have legal frontage at all. I would also like Rick to come to this Commission, as an official request, to tell us what are the parameters of this family exemption to open space set-aside. What are the rules that qualify? It was pointed out that it's in the statutes.

Chairman Harbinson said he knows it is, but wants Rick to tell us. Commissioner McCreery commented that the answer is that it's in the statute and all they have to do is say we're giving it to a family member, and they are exempt.

b. Twin Lot Estates – Buddington Road, James Blakeman, applicant

They are looking to do a 2-lot subdivision. Plans are dated December 18, 2008. There is on-site septic and well water, and these are preliminary conceptual plans. The applicant would like to know if a fee simple of open space or a payment in lieu of would be recommended. This is adjoining the UI property the City acquired.

The specifications and drawings were detailed and discussed. Vice-Chairman Dyer discussed what was discussed at the Trails Committee meeting and their desires for location of open space. Chairman Harbinson suggested a fee in-lieu of with a pedestrian easement over the current Woods Road located in the vicinity of the septic system layout for proposed lot 2. The easement should be about 15'.

Commissioner Tate MOVED in regards to the conceptual drawings for the Twin Lot Estates that the Conservation Commission recommend a fee in-lieu of open space with an approximate 15' wide pedestrian easement over the existing Woods Road on the northern boundary of the proposed lot 2 in the vicinity of the septic system layout. SECONDED by Commissioner McCreery. A voice vote was taken, all were in favor; MOTION PASSED.

Commissioner McCreery read from the State Statues the portion in relation to family subdivision splits. It has to be less than 5 parcels and to a family member for no consideration. He said to remember these are concepts. To actually put meat on the bones, these are skeletal rules; you have actually implement a regulation. To my knowledge, Shelton has never implemented a regulation to say, if you are transferring to a parent/child with proviso, and it's deed restricted so you can't re-transfer within 5 years, or something like that.

Chairman Harbinson and Agent Gallagher said they do have something like that. Chairman Harbinson said that is why I want Rick Schultz to clarify to Agent Gallagher, for our benefit, what the provision is.

Chairman Harbinson commented that it raises his eyebrows to the fact he has never seen this mechanism used before, and within 6 months to see it used 4 times.

Commissioner McCreery said he recalled this used once at the corner of Long Hill and the road that goes down to the industrial area where the farm is. They got the approval but never did any thing with it.

H. Verizon communications tower proposal – Brownson Country Club, Lane Street

Vice-Chairman Dyer and Commissioner Welsh went to the public meeting and reported that there 18 of these types of towers in Vermont but none so far in Connecticut, done by Verizon.

He noted that the area that has the best view of the tower would be the cemetery.

Conceptual pictures of the tower view were passed around and discussed. Vice-Chairman Dyer noted that there were about 80 people at the public information meeting and discussed some of the topics of discussion and one of the big reasons for the need for this tower was to upgrade the capacity. There also was discussion about what is going to happen when the towers become obsolete.

I. Communications

Various memos from Agent Gallagher

Tape 2, Side A

J. Budget Report

Chairman Harbinson reported that he and Commissioner McCreery met with the Board of A&T. One of the Board members expressed concern that we had not expended from our budget on several line items. Why are we requesting a budget of the same amount?

What was puzzling is that they are looking at a budget report from February. We still have all of March, April, May and June, which is 4 months of expenditures that I have not even encountered yet in time and they are basing next year's entire fiscal year on what I have spent so far?

This year I had to make the point that we are not being "let" to spend some items. Chairman Harbinson asked Agent Gallagher to follow up on the y-t-d actual for the signs item. It shows a negative \$15 expenditure. Maybe it was from the t-shirt sales?

Chairman Harbinson said he also pointed out the open space ordinance in regards to the open space trust account. Mark Holden, Chairman of the Board of A&T pointed out that it is the responsibility of the Board of Aldermen.

There was \$1 put in the account last year and I complained because it says "you shall", and they did not. They did wash money through that line item to say we spent money in open space and they said they met the intent of what the ordinance says. After more discussion with the Board they deferred to the Board of Aldermen.

He said he didn't want anyone to look bad; I just want to be consistent. I want it said that this is our budget, we are authorized to spend it, and then we are told we can't spend it.

K. Open Space Trust Account

No information available.

L. Eklund Garden – Deer Fencing

Agent Gallagher presented a proposal for the cost of the deer fencing in the amount of \$854.22.

Commissioner Tate MOVED to approve the expenditure of \$854.22 for the purchase of deer fence at the Eklund Garden under the guidance of Agent Teresa Gallagher. The budget line item is 001-1300-414.60-01(Land Improvements) SECONDED by Commissioner McCreery.

Discussion:

Vice-Chairman Dyer asked Agent Gallagher to detail the location of the proposed deer fence. There is no need to worry about the fence posts since the fencing would be staked to trees.

Chairman Harbinson commented that the available balance in the Land Improvements line item is \$6610.

Agent Gallagher said there are pre-fabricated gates but hopes to get a “scout” project to make a heavy-duty self-closing gate.

She pointed out that this fencing is to protect the investment of \$2500+ for the purchase of native species plantings. We received a grant from Iroquois for the native species plantings and have had considerable volunteer hours from botanical specialists and master gardeners. This is to insure that those efforts are not wasted.

A voice vote was taken, all were in favor; MOTION PASSED.

M. Quality of Life – Executive Session

Commissioner Tate MOVED to go into Executive Session at 9:05 P.M. to discuss land acquisition issues, inviting Marianne Chaya, as our clerk. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Vice-Chairman Dyer MOVED to return to regular session at 9:25 P.M. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

Chairman Harbinson noted that there were no votes taken in Executive Session. We direct our clerk or Conservation Agent to find out the tax record/parcel & lot information regarding a parcel discussed in Executive Session.

N. Comments by members

Commissioner Welsh commented that the invasive plant species grant that we applied for from the DEP has been extended. I haven't heard anything but I don't think we got it. UCONN needed to review the proposals. If we do not get it I still think we need to concentrate on the pent ways and field perimeters to prevent the cedar trees from collapsing.

Chairman Harbinson said we do have funds available to do the invasive species cleanup even if we don't get reimbursed from a grant. We need to get estimates to get going, next month if possible.

Commissioner Welsh also commented that there has been some interest in community gardening. One person asked us on the Land Trust if we had any parcels. We don't really have a good spot. I advised her to attend tonight but I guess she couldn't make it. Is this something this Commission would want to be involved in? Or would it be something that this person that is bringing it to us could form their own group?

Chairman Harbinson said he thinks it could be like the trails group who are passionate about trails, creating and maintaining that amenity, if there was a community garden there would have to be an advocacy group of gardeners to propose something and create some sort of regulations for operation.

Commissioner Tate said that typically the restriction would be that they need water service.

Vice-Chairman Dyer said that according to Ron Herrick the City used to have a community garden around the "Rhode Island" streets.

Commissioner Tate and Chairman Harbinson agreed that the white house on Nells Rock Rd. would be a good spot as long as there wasn't a big need for space.

Chairman Harbinson suggested the Klapik property off of Long Hill Ave. might be a good spot. We would need an advocacy group to propose some ideas.

Agent Gallagher said that on the conservation website there is a link to a website that tells advocacy groups how to get something like this going.

Commissioner McCreery suggested that for one week or two, where the signs go on the green, for it to say, visit the City's new Conservation website at www.sheltonconservation.org. It was agreed that this time of year might be a good idea to promote the website. You would have to go through Parks & Rec to post this sign. Commissioner Tate suggested to also put one downtown. They discussed what type of sign to have made and suggested Agent Gallagher look into it.

O. Adjournment

Next regularly scheduled meeting will be Wednesday, April 1, 2009.

Commissioner McCreery MOVED to adjourn. SECONDED by Commissioner Welsh. MEETING ADJOURNED at 9:36 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission