

City of Shelton, Conservation Commission  
 Minutes for Special Meeting of Wednesday June 13, 2007 at 7:00 P.M.  
 Minutes should be considered a draft version until approved by CC at their next meeting.

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## Call to Order

Present: Tom Harbinson, Chairman  
Bill Dyer, Vice-Chairman  
Hank Lauriat, Commissioner  
Jim Tate, Commissioner  
Edward McCreery, Commissioner (arrived at 7:15 P.M)

The Commission currently has 6 active members.

Also Present: Teresa Gallagher, Conservation Agent  
Terrance Gallagher, Trails Committee  
Bob Wilcox, Trails Committee  
Henry Mileski, 33 Murphy's Lane

## 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.

## Approval of Minutes of May 2, 2007

**Commissioner Lauriat MOVED to approve the minutes from the May 2, 2007 regular meeting. SECONDED by Vice-Chairman Dyer. A voice vote was taken; all were in favor, MOTION PASSED.**

## Public Portion

Mr. Henry Mileski, 33 Murphy's Lane

Chairman Harbinson noted that Mr. Mileski was at the Conservation Commission some months back concerning a conservation easement.

Mr. Mileski commented that at that time you indicated that you wouldn't do anything unless I could show a hardship. I asked them to give me a letter regarding the situation and the man is on disability and collecting Social Security and was working part-time a year ago but can't work anymore due to his health. It is tough to get outside in the wintertime to clear the cars is extremely difficult especially if we get snow where it's quite deep or windy and in the summertime the humidity bothers him.

Chairman Harbinson said I would recommend we defer this to the Planning & Zoning to handle. Quite honestly you are not supposed to have a multi-family situation at your location. You are allowed to have an in-law for family members. Mr. Mileski explained that this is a disability situation, plus the fact that it's a co-share thing. It's not where he's an independent tenant.

Chairman Harbinson responded that he would recommend P&Z take that up and look at it. They have to enforce the zoning regulations. That is not something for us to do; we are purely advisory. If there were a family member residing in your house that had a hardship where you needed to have a change in the easement for a driveway, that's one thing because it follows in the regulations. If P&Z is going to allow a change to your home into kind of a multi-family status then that is for them to decide first. I would talk to Rick Schultz, the Planning Administrator. We will keep a copy for our file and our Conservation Agent will work with Rick Schultz in terms of what changes will be allowed.

Mr. Mileski asked if you would mail it to him before I see him?

Chairman Harbinson said Teresa is in touch with him and has an office in City Hall, Monday-Thursday, part-time. Planning & Zoning is open Tuesday-Friday. City Hall is open Monday with only certain departments open Monday. Our Conservation Agent is here on Monday's, not on Friday's.

## Trails Committee Report

Vice-Chairman Dyer reported as follows:

Planned Projects for 2007

### Trails Day

We had about 50 hikers, which was half of what we had last year. We did have some thoughts that we should have a sign-up list, not a work-party sign-up list and on that we should include "how did you hear about us" so we can get a better feel for how people are getting to know us. Next time we do it we might send out notices to some businesses and put up a notice at the 5 hotels in town. Next year we are not sure if we will still do the bridge-to-bridge or something else. Everything worked out well and it was quite warm which was probably why some people bailed out at the half-way point. My wife went the full way from bridge-to-bridge and she was very pleased with the people she chatted with along the way, as was I. A French gentleman I chatted with that works for Pitney Bowes commented that one of the main reasons he moved to Shelton was the trail system.

#### Trail at the old Master's site at Rte 110 and Far Mill River-

I met with the contractor who is doing both the Master's property and the driving range. He has fully agreed to do what we have asked him to do, which is to build a trail from Master's that goes down to the river.

#### Trail along the driving range and behind the hockey rink

What had happened at the driving range is they basically blocked off the access with a bunch of garbage. He has agreed to remove that. He also said they are in negotiation with the property next to the hockey rink, which there is now a trail that goes down there that people do use, which we can't officially sanction because it's on other people's property. When they buy that, then they can authorize people to walk down that way. They are looking to buy the back half of the property and are planning to build a restaurant back there. There used to be a restaurant there in the 1940's and 50's. Chairman Harbinson suggested to Vice-Chairman Dyer that he email the items the contractor promised he would do to Rick Schultz and copy Agent Gallagher.

#### The Wellsprings Estates trail – Far Mill River Trail

No update from Agent Gallagher

#### Connect the Blue Dot Trail to Shelton Lakes

There was a letter to the editor in the Huntington Herald. Commissioner Lauriat commented that the authors are also land monitors of the City.

Our recommendation is that we move ahead with the meeting with the Mayor and that we press to have the trail go as we have recommended. We discussed some backup positions as necessary and wish to have the meeting in June as the Mayor promised.

Agent Gallagher commented that she had a conversation with Jason Perillo because it indirectly ties into the signage he was asking for at Shelton Lakes in case of an emergency or someone gets lost. We can't put up signs until Dominick Trail is switched to the Paugusset because all the signs are going to refer to the Paugusset. The whole sign system is on hold, and we have a volunteer willing to make the signs.

Chairman Harbinson asked if it would be a good idea to look at what the alternatives are. We did say that we would look at the alternatives.

Commissioner Lauriat asked to verbalize what we want.

Chairman Harbinson said the other considerations were Sinsabaugh Heights or property the City doesn't own. The Mayflower Lane path was in our open space plan and what development called out for when it was subdivided, it's what we wanted and we've met with the property owners for a number of years. We want to show that we are fully trying to be sensible and cooperative.

Commissioner McCreery agreed and said he'd like to consider taking a step process. To me the first step is to get the neighbors to recognize where the property line is. Stop mowing it; stop putting sheds or other items on it. Let's in essence, reclaim the City owned property. This should be done regardless of whether we use an alternative or not, because it is City owned property. We should formally look at the alternatives, and if the alternatives are not going to work out or we are not going to recommend them, I think we need to enter into some discussion of a phased-in approach, where the alternative is on the street while we let the City own property to get naturally overgrown with trees or that we plant some trees or evergreens to establish this as City owned property and establish this corridor. Then after a period of a few years you move it off the temporary location of the street to where it should have been.

Commissioner Lauriat commented that he likes the 3-rail fence and vegetation. The vegetation isn't going to do much of anything. The 3-rail fence would tell them exactly where the property line is.

Commissioner McCreery and others agreed.

Chairman Harbinson said that we would probably be hearing some squawking about the maintenance of the fences.

Agent Gallagher said that the Mayor is adamantly opposed to the fence because of future problems regarding calls saying it's broken and you have to come out and fix it.

Commissioner McCreery said that he nor I nor the rest of us will be alive or on the Board if that ever happens unless someone intentionally breaks it because those cedar fences will last 30-40 years.

Vice-Chairman Dyer said, I personally think your approach is the best in that we ought to claim it. I think we should put a green fence – a rose hedge or something – through the whole length of the property.

Chairman Harbinson suggested first pointing out the line and state that it is to be left natural, not mowed. If we find out after August or September to then say we would have to put something here so everyone would recognize it. We could then decide what the material of the delineation would be.

Agent Gallagher pointed out that if someone moves out, the new homeowner may say it wasn't marked and no one told me, you will just have the same problem all over again unless you have something, even if it's a 4x4 post with a sign on it.

Vice-Chairman Dyer said that at Grace Lane we do have posts with a sign on it.

Commissioners McCreery and Tate said that there should be something decided on as to the progressive situation. The first step may be to put posts every 16' on center or an increment of 8 or 10'. Then maybe every 20' on center you put a locust post (with the holes in it), and if it doesn't work you would be able to then put the rails in. If that doesn't work or you prefer not to have the rails, then you plant as Chairman Dyer suggested. It's a natural post and it looks a bit more woodsy.

Chairman Harbinson commented that no matter what you suggest someone won't be happy but I think we have to show that we are making an effort to look at alternatives right now.

Vice-Chairman Dyer asked how many have been there and driven down to Sinsabaugh. The Commissioners responded that they have driven down there but not walked behind the houses. There is a section that is overgrown with briars that you couldn't get back there.

Chairman Harbinson asked if the Trails Committee could go out there, look at the alternatives and then to give the Commission a report. If that report ends up deciding that the Mayflower Lane is the best location for purposes A, B, C, D, then we deal with that from there. Deal with that as one issue and the other issue of delineating the public property that people are enjoying for their private use that would be separate.

Vice-Chairman Dyer said that is what we did. We brought it up, we discussed it and our recommendation is that we move ahead now. The two alternatives that are practical using property that we own, as a City, one is to come up and connect to Mayflower itself, and walk up Mayflower and cross over. The other is to walk up the street up of Sinsabaugh, which takes you way out and is much more of an issue.

Chairman Harbinson suggested having a report showing that the Trails Committee did due diligence in investigating the alternatives. Chairman Dyer said he would put the report together along with photos.

Terrance Gallagher stated that they did discuss the options and one thing that they felt pretty firmly was that the City has spent quite a bit of money acquiring the right-of-way for the Paugusset trail over the years in addition to the economic benefits conveyed

by allowing extra housing density in return for this right-of-way corridor, and it sets a bad precedent if we are not going to implement all these recommendations that have come down over the years. The fact that Rick Schultz was a key person in a lot of these negotiations with different developers would be a good person to get input from. We can take a look at alternative routes but our feeling is there is room to work with the neighbors, the Aldermen and the Mayor on what the best treatment is along the way. Our strong recommendation at this point is to use the City open space right-of-way rather than going out on the road or up someone's driveway or somewhere that is not consistent with the overall Blue Dot trail philosophy.

Commissioner Tate asked what would you do tomorrow?

Vice-Chairman Dyer responded that they met with the Blue Dot trail people. They are supposedly talking with the DEP about the portion that has to go through the Indian Well property.

Commissioner Tate asked what they would do about Mayflower Lane?

Vice-Chairman Dyer said that if the Mayor and the Aldermen said go ahead and put it in we would have to cut our way through the briars (pointed out) and create a trail. We can't just go and create a trail now. The corridor is there but the trail itself isn't.

Commissioner Tate asked is it City Open Space? (Yes) Why couldn't I walk through that trail (area) and cut a path?

Agent Gallagher responded that there is an open space ordinance which does not allow cutting vegetation.

Vice-Chairman Dyer commented that the CT Forest & Parks people said they would get a significant number of volunteers to physically do this trail.

Agent Gallagher added that we can't put up any trail signs at Shelton Lakes as requested by EMS until Dominick Trail is reblazed as the Paugussett Trail.

Terrance Gallagher mentioned that at the bridge-to-bridge hike we did on Trails Day, we had a very nice example of walking down the Lane Street fire access behind 129 Lane St. and down into the Huntington well field property, where we had a very nice split-rail fence that was put up recently by the City. It was a nice way to demarcate the neighbor's back yard from the trail area. We unfortunately had more tourists from Milford show up than we had from Shelton's land use Commissions or elected officials. It would have been a nice way to show them what we have to offer. Nobody was kidnapped; no one's home was broken into by the hikers and no muggings.

Vice-Chairman Dyer said I want to mention two more issues. It turns out that we have an account at Housatonic Lumber but they don't have paint or much else we would need. I was thinking of opening another account at a local establishment such as Carroll's or Huntington Hardware. They discussed how to go about opening this account.

**Commissioner Lauriat MOVED to authorize Vice-Chairman Dyer to investigate opening an account at a local hardware supply store for the purposes of purchasing trails supplies as needed. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.**

#### City owned House on Nells Rock Rd & Shelton Ave.

The home is now vacant and it makes it easier for us to route the Rec path through the yard. It would be great to store other stuff there, such as the Gator and trail equipment. We need to find out what the long-term plan for this property since it is in the middle of the Shelton Lakes greenway.

Commissioner Tate suggested speaking to the Mayor about getting authorization for one of the out buildings being designated for us.

Chairman Harbinson commented that we would have to be concerned about security of the building.

Commissioner McCreery questioned the use of the house for a nature center and how would it be funded.

Terry Gallagher commented that the nice thing about it is the fact it is in the middle of the greenway. Most greenways have issues regarding parking. This would have parking available, restrooms available, phone service.

Commissioner Tate responded that it might be a task to renovate it from residential to commercial use. The key should be to get income to the City from the house.

Terry Gallagher said that could be a step to get to something else, but we need to plan today what we need today when the City decides to make the next step.

They continued to discuss possible alternatives for the site. Agent Gallagher said she talked with Sandy Nesteriak and there no current plans.

Commissioner Tate and Lauriat suggested trying to lay claim for parking purposes by sending a letter to the Mayor.

**Commissioner Tate MOVED to write a letter to the Mayor indicating our interest in preserving at least some protection of land use on the City owned property, located at the corner of Nells Rock Road and Shelton Ave, for available parking for the greenway recreation trail system. This property lies in a centrally located location that will afford us some possible storage and future uses. The first use would be the parking needed to help keep the traffic off Constitution Blvd. North, out of the way of bus traffic, making a safer trail access or bike uses. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

The Commissioners agreed that the correspondence could be done by email.

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

### Old Applications

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.

Agent Gallagher reported that the PDD was adopted Tuesday.

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

Agent Gallagher reported that step 1 was adopted to make it a PRD at the Tuesday P&Z meeting.

Chairman Harbinson asked if there was any comment regarding having the open space delineated and marked with the orange polypropylene fence. Agent Gallagher said she has not heard any comment regarding this. Chairman Harbinson suggested that Agent Gallagher mention to Rick Schultz that the comment from this Commission regarding the orange fencing will be a regular comment.

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.

Chairman Harbinson commented that this was on the Board of Aldermen's agenda last night and they didn't approve anything. They were looking at abandoning the right-of-way at Murphy's Lane.

The Commissioners discussed the public right-of-way.

Vice-Chairman Dyer commented that this Commission spent a lot effort coming up with a plan of development and it says there shall be no condominiums along there. The first thing that comes along after the Plan was adopted is this plan and it appears that it's becoming residential.

Commissioner Tate noted that it's mixed use. He also commented that the plan was intended to protect the revenue side of the tax dollars. I would ask for a tax benefit revenue statement to justify having to modify our Plan of Development.

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The Commissioners discussed some of the points of the development and the proposal to make it a 55 and older type of condominium. Commissioner Lauriat pointed out that the City does not have an "over 55" ordinance.

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

### Any Pending

Agent Gallagher reported that there are 3 pending.

Meadow Wood Estates – re-subdivision – CRD subdivision. This is 7 Plum Tree Lane. Agent Gallagher commented that this was previously denied; it went through the courts and the City won. Rick Schultz said he was not clear as to why it was submitted again since they lost. Chairman Harbinson read from the comments attached to the drawings. *The previous owner failed to get a favorable decision on an 8-lot conventional subdivision. The square on lot falls within the power line easement and is not allowed. The Commission won in court after it was appealed. They need a response by June 26.*

They are proposing a re-subdivision of lot 7. The date of the plans are July 28, 2003 and revised on February 20, 2007.

The Commissioners reviewed the drawings.

**Commissioner McCreery MOVED that the Conservation Commission does not see any open space issues for application #07-26, re-subdivision of lot 7, Meadow Wood Estates, a CRD subdivision, but would resume its consistent position that the Commission should not allow down-zoning to maximize lot size. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

Application #07-29, re-subdivision of lot #10, Laurel Wood Manor. Property address is 14 Buck Hill Road. They are requesting two lots and a fee-in-lieu of open space. This is an R-1 district. They would have to have a public hearing, which will be held June 26. Accompanying the referral is an appraisal of the property. It is showing an appraised value of \$220,500. Ten percent of that would be a \$22,050 payment to the open space trust account.

The Commissioners reviewed the drawings. There is no open space connectivity. Fee in lieu would be appropriate.

**Commissioner McCreery MOVED to send a letter to Planning Zoning Commission stating that the Conservation Commission has reviewed Application #07-29, re-subdivision of lot#10, Laurel Wood Manor, and concurs that a fee-in-lieu of open space would be appropriate. We recognize the appraisal that accompanied the referral that had an**

**appraised value of \$220,500 for the current parcel. 10% would be assumed to be the fee-in-lieu of payment to the Open Space Trust Account of \$22,050. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.**

Application #07-35, Rich Subdivision, Robert J. Rich, 8 Prospect Ave. It is an R-5 subdivision. 3 Lots are being proposed and it was just accepted at the June 12<sup>th</sup> P&Z meeting. They are requesting a fee-in-lieu of for the 3 lots. There is public water and sewers on site.

The Commissioners reviewed the drawings and determined that there was no open space nearby and potential for a pocket park.

**Commissioner McCreery MOVED to write a letter to Planning & Zoning stating that the Conservation Commission reviewed application #07-35 Rich Subdivision, and agrees with the applicants suggestion of a fee-in-lieu of open space for the proposed subdivision. There are no other open space parcels in the vicinity and no potential functionality of a pocket park for the neighborhood. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.**

## **Minor Expenditures**

This is for the Chairman to be able to approve minor expenditures that come up between our Conservation Commission meetings. We have had some email discussion on this, especially when it comes to the end of the fiscal year.

**Commissioner Tate MOVED to have the Chairman have the ability to approve expenditures up to the limit of \$500 from our budget for incidental expenses between Conservation meetings. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

## **Open Space Plan**

Some of the Commissioners said they reviewed the plan and have made comments back to Agent Gallagher.

## **Quality of Life – Executive Session**

Chairman Harbinson said for the benefit of the public who arrived here for an Executive Session item we're going to have this item moved up on the agenda.

**Vice Chairman Dyer MOVED to go into Executive Session at 8:20 P.M. for the purposes of discussing land acquisition issues. We are inviting the impacted property owners to join the Commission members. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.**

**Commissioner Lauriat MOVED to return to regular session at 9:10 P.M. and to write a letter the property owners that attended and made a presentation**

**at the Executive Session indicating our interest in the purchase of their development rights and the desire to start the appraisal process. We request that they formally submit the application for the farm and forest preservation program of the City of Shelton. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

## **Communications**

Chairman Harbinson reported on the following:

- Annual renewal notice for the Nature Conservancy. Renew on our expiration date.
- Request/complaint form on 18 Kimberly Drive. A tree fell from open space and a couple others that are ready to fall when there are heavy winds again. Agent Gallagher reported that we are waiting for Dean Cawthra to analyze the situation.
- Housatonic Lumber invoice – needs to be approved.
- Home Depot has a foundation program. There may be some sort of grant application possibility. This may be good for the Trails Committee. Wal-Mart also has a similar program.
- Agent Gallagher copied the Commission on the communications she sent out regarding encroachments on open space.
- An anonymous letter to Agent Gallagher regarding 39 Maple Ave. regarding an encroachment violation. (Letter read)
- Permit to the City of Shelton WPCA regarding construction.

## **Conservation Agent Report**

Agent Gallagher reported on the following:

### **Community Resource Inventory Committee**

There is now representation from all wards of the city, and party affiliation proportions meet state law.

Barbara Crawford	Margaret Paulson
Teresa Gallagher	Ron Pilkowicz
Ryan Gernat	Jason Perillo
Gil Pastore	Randy York
Dave Zamba	

**Commissioner Lauriat MOVED to approve the members listed with Agent Gallagher for the Community Resource Inventory Committee. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.**

Agent Gallagher will be the liaison.

### Open Space Trust Account

As per the Agent Report submitted.

Expenses: GPS unit, kiosk supplies, native plants, Round-Up

**Commissioner Tate MOVED to approve reimbursing Agent Teresa Gallagher for her expenses as per the receipts turned into the Commission. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

Procedure for Open Space Marking – possible painted line around or on backs of trees with open space signs

The new wording that was adopted at the May meeting will be incorporated immediately.

After discussion of the marking of the trees it was determined that a line marked on the back of the trees would be adequate.

Tape 2, Side A

Commissioner Welsh arrived at 9:25 P.M.

The standard procedure when the developer needs to place the open space marking. At the point when we are looking at the application is where we need to ask where the open space is if there would be a conflict of private or City property and we would recommend the type of delineation. It should be taken on a case-by-case situation.

### Rec Path Grants Status

I am waiting for 'services-in-kind' reports from Engineering and Parks & Rec so I can submit a packet to DEP for reimbursement.

### Jones Family Farm Homestead Acres PDR – Survey quotes

Commissioner McCreery recused himself from discussion. We received three quotes. This is a site of approximately 140 acres. The perimeter of the survey site is a class D survey. There is a portion on the interior of about 6 acres that is brought to a class A2 survey with monumentation, that exists being shown. The purpose of this survey is a requirement that is needed for the USDA grant for the purchase of development rights. The City has paid for this survey, as similar to the Shelton Family Farm.

**Commissioner Tate MOVED to approve the hiring of the low bidder for the survey of the Jones Family Farm Homestead Acres PDR. SECONDED by Commissioner Lauriat. All were in favor, except Commissioner McCreery (recused). MOTION PASSED.**

### Girl Scout "Me & My Guy Hike" – June 16, 2007

The hike is scheduled for this Saturday, June 16<sup>th</sup>. 200 have registered for the hike. The registration information went out to about 700 residences.

### Shelton Family Farm, USDA monitoring report

I received information that I have to do an on-site inspection of Shelton Family Farm by the end of June.

### Encroachment issues – general procedures for significant encroachments

433 Shelton Ave. behind the Buck Stop. I received a call from Mr. Nicholas who wanted to know if the City was going to maintain that land because he was tired of mowing it. I emailed all members via the Google group the map and photos. I invited him to the meeting but he did not show up.

The Commissioners agreed that he should not mow it. Agent Gallagher said historically it is a man-made pond and they always mowed it.

The City is not going to mow it.

The encroachment issues were discussed.

### Other

Removal of silt fence from the open space has become an issue. I spoke with John Cook about it. I asked if it would help to get a letter from us to both P&Z and Wetlands.

**Commissioner Lauriat MOVED to write a letter to Planning & Zoning and Inland/Wetlands regarding the removal of silt fences from open space. We recommend that the bond not be released until they are removed. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.**

### Comments by Members

Agent Gallagher passed around an arrowhead from Old Kings Highway. They make them out of quartz around here. At Birchbank mountain and on the adjacent McEwen property there are a lot of quartz chips from when they were making the arrowheads.

### Adjournment

**Commissioner Welsh MOVED to adjourn. SECONDED by Commissioner Lauriat. All were in favor, MEETING ADJOURNED.**

Respectfully submitted,

Marianne Chaya  
Clerk, Conservation Commission