



City of Shelton Conservation Commission

Meeting Minutes for January 3, 2024

The meeting was held virtually via Zoom. A recording is available here:

Before Executive Session: <https://www.youtube.com/watch?v=75LEifsdGC0>

After Executive Session: <https://www.youtube.com/watch?v=Gx4aPPITSeg>

Members Present: Tom Harbinson (Chair), Bill Dyer, Jim Tate, Ed McCreery (note that Ed McCreery had recently submitted a letter of resignation, but it was not known if the resignation was received and accepted yet, so his membership status was uncertain),

Absent: Tom Wilson, Sheri Dutkanicz

Also present: Teresa Gallagher, Natural Resource Manager.

The meeting was called to order at 7:07 pm by Chairman Tom Harbinson.

Meeting Minutes: **Bill Dyer made a motion to approve the November 1, 2023 meeting minutes. Seconded by Jim Tate. All were in favor.** (The December meeting had been canceled)

Natural Resource Manager Report:

- **Enforcement Issues:** Teresa Gallagher met onsite with Paul Hayslip, Vice President of the Aspetuck Village Condominium Association, to help him locate an area where landscaping debris has been dumped over the years on Public Open Space near #310 Aspetuck Trail. She had recently signed the property line there as a conservation area in response to a complaint. Dozens of uprooted shrubs along with small piles of landscaping debris, including one containing rubber mulch, were identified in the open space and creating an eyesore. Mr. Hayslip agreed to remove the rubber mulch, pull back some of the more unsightly dead shrubs, and ensure that landscaping crews do not dump within the open space.

At the Pearmain Road trailhead for the Pearmain Path, Teresa Gallagher built a makeshift fence to discourage quads and dirtbikes from using the trail to access the Land Trust fields at Nicholdale Farm and the Jones property. At least one dirt bike was able to go around the fence. She also spoke with Brian Roach at Highways & Bridges to see what can be done about blocking access there.

A sixth trail camera has been acquired for use at either the Huntington Wellfield or Shelton Lakes.

- **Litter Committee:** Preparation for Clean Sweep 2024 is coming up (patches, website updates, materials, etc).
- **Community Gardens:** Teresa Gallagher has been digging out a plot & aisles that were abandoned and in very poor shape in preparation for a new gardener. Registration for existing gardeners will likely begin in February. The November work party to clean out Eklund Garden was canceled due to poor weather and she cleaned up the garden later in the week. The deer fence there needs work.
- **Trails:** Teresa Gallagher addressed a number of flooding and drainage issues, mostly at Birchbank, that arose after one of the wettest Decembers on record. A clogged culvert under Indian Well Road exacerbated flooding issues, with 1-2 feet of water over the trail in one location. She cleared the culvert and created drainage channels in a few other locations along the trails where there was flooding and mud holes, and cut some minor blowdowns.
- **FRPP Report:** Teresa Gallagher inspected the Jones Farm's Candy Cane Hill & the abutting Shelton Family Farm and submitted the required annual report ensuring compliance with the agricultural easements.
- **NVCOG Open Space Mapping:** The Naugatuck Valley Council of Governments received a grant to prepare a regional GIS map of open space and conservation easements. Teresa Gallagher has been maintaining a GIS map of the same for Shelton and submitted electronic files to NVCOG. They will also be researching deeds. This will include various types of open space, including Land Trust, state, and other properties. Ed McCreery noted that the Shelton Land Conservation Trust has been researching its deeds recently and can share that information so that NVCOG is not replicating those efforts.
- **Hiking Workshops:** Teresa Gallagher will be offering a series of hiking workshops this winter to address feedback from Rec Path users who were interested in trying other trails but lacked confidence or had specific concerns. Jim Tate asked what they were afraid of. Teresa Gallagher responded that what she hears most is fear of getting lost and fear of bears. She did receive one report from a jogger who was followed by a bear on the Rec Path near the Police Station.

Trails Committee Report: Bill Dyer reported that the Trails Committee is thinking about submitting an application for a trails grant in 2025 for Rec Path maintenance including rebuilding the Lane Street boardwalk and replacing the safety fencing at Silent Waters. The gator is getting old and will need to be replaced. Tom Harbinson noted that Gator prices have increased substantially and some people have started using less expensive Japanese mini-trucks.

The Trails Committee will be offering a new trail challenge for 2023 which will be similar to the 2016 Shelton Trails Marathon with specific hikes totalling 26.2 miles.

Developments and Proposals:

PZC #23-08 390 Shelton Ave. PDD for 16 Homes on 5 ac.

Tom Harbinson said the Conservation Commission has sent two letters to Planning and Zoning regarding this proposal. The latest was regarding a water line shown crossing deed-restricted City Open Space where clearing is not allowed under the deed, and he has not heard anything from P&Z about that. The proposal has been open and active for more than 65 days and he's not sure how P&Z handles extensions.

Jim Tate said that for 2024, he wanted the Conservation Commission to look at how to solve these problems that keep being reported on at Conservation's meetings. What's the best way for the Commission to move forward with solving some of these problems?

Tom Harbinson said he didn't know if Conservation had the ability to hold Planning and Zoning accountable to act on an application in a timely manner. Jim Tate said that, yes, Conservation does. As an advisory commission, Conservation can continue to comment on the issues or problems and make a report every month. Over time, that may prove a record that may be valuable. But we can't just report these issues every month that are problems and not do anything about it. It seems fruitless to just report on problems and not have solutions for those problems.

Tom Harbinson said that, regarding this application, the letters Conservation submitted reiterated that a PDD was not appropriate for that area because it is completely surrounded by a residentially-zoned area. City Counsel gave an opinion that the abutting open space is classified as "non-residential," and that a PDD is therefore allowed. Counsel did not go further to say that the definition of where a PDD can be used explicitly says it cannot be used in an area that is surrounded by residentially-zoned property.

Jim Tate said that Conservation should write a letter and point that out. Maybe someone had an oversight, but Conservation would like to point out that a PDD shall not be surrounded by residentially-zoned properties. We need to document this somehow.

Bill Dyer asked if this is just being sent to P&Z? Tom Harbinson said yes, but it could be copied to the attorney since it was his opinion rendered to the Planning and Zoning Commission that PDDs could be used in any location that is adjacent to a non-residential area. Jim Tate said that the letter needs to be sent to the Board of Aldermen and the Mayor. We have to send it to anyone that may have any impact whatsoever. We can't just report issues and not follow up without some type of record.

Tom Harbinson said he could agree that Conservation send such a letter. But his initial comment was that nothing seems to have occurred within the 65-day action period. Jim Tate responded that then Conservation should ask for clarification in the letter.

Tom Harbinson asked Teresa Gallagher to draft a letter, with the previous two letters included, and perhaps if they are going to define a PDD as being an accepted use next to a residential area because of open space, that opens up a can of worms, and maybe they need to revise the PDD regulations. Jim Tate agreed. Tom Harbinson continued that, as it was determined by Counsel, you could say ‘that church or that school or that firehouse is a non-residential use’ and therefore a PDD could be built next to it.

Jim Tate made a motion to send a letter to the Planning and Zoning Commission, copied to the Mayor, BOA, and Corporate Counsel, regarding the PDD application at 390 Shelton Avenue as discussed. Seconded by Bill Dyer. All were in favor.

PZC 23-28 118 Armstrong Road PDD, 36 units on 2.1 acres

Tom Harbinson performed a screenshot of the application and commissioners became familiar with the new proposal. There was a question about some sort of access drive to Partridge Lane and whether this was for emergency use only. Jim Tate said there should be more of a buffer between the new units and existing houses. Tom Harbinson noted that there is no open space component, as would be required with a conventional subdivision. Commissioners decided to wait to do a formal review since the project was new and subject to change.

Open Space Trust Account (OSTA): Tom Harbinson reported that there are no updates and the funds from the sale of open space to a homeowner on Wesley Drive have still not been deposited in the OSTA. Jim Tate said it was time for a letter stating that this has been on our agenda for several months and we would like it resolved.

Appointments for Commission: Tom Harbinson reported that there are now two vacancies on the Commission. This appears to be a problem with many City committees. It is difficult to find people willing and able to make that commitment. In addition, all of the memberships in Conservation have expired.

Executive Session: The Commission went into Executive Session at 7:55 pm to discuss a potential land acquisition. The Commission came out of Executive Session at 8:11 pm.

Jim Tate made a motion to send a letter to the Board of Aldermen asking the City to acquire a particular property for open space. Bill Dyer seconded the motion. All were in favor.

The meeting was adjourned at 8:12 pm.

Meeting minutes were prepared by Teresa Gallagher and should be considered in draft form until adopted at the next meeting.