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**Call to Order**

Present: Tom Harbinson, Chairman  
 Bill Dyer, Vice-Chairman  
 Ed McCreery, Commissioner  
 Jim Goodman, Commissioner

Also

Present: Teresa Gallagher, Conservation Agent  
 Marianne Chaya, Clerk

**A. Call to Order/Pledge of Allegiance**

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:15 p.m. All in attendance recited the Pledge of Allegiance.

Note: Items were taken out of order of agenda

## **B. Approval of Minutes**

**Commissioner Goodman MOVED to approve the minutes from the November 3, 2010 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

## **C. Approval of 2011 Meeting Schedule**

**Chairman Harbinson MOVED to approve the following schedule for 2011 Meetings are to be held the first Wednesday of each month (except July) in Room 303 @ 7PM. The dates are as follows:**

**January 5**

**February 2**

**March 2**

**April 6**

**May 4**

**June 1**

**June 29\***

**August 3**

**September 7**

**October 5**

**November 2**

**December 7**

**\*The June 29<sup>th</sup> meeting is in place of the July meeting. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.**

Vice-Chairman Dyer said that the Trail Committee meetings would be held the same dates at 5PM.

Marianne will send a memo to the Town Clerk's office & Mayor's office.

## **D. Public Portion**

Chairman Harbinson said that we would continue the discussion from the Trails Committee with the contractors working on the Shelton Lakes Rec Path upgrade. Vice-Chairman Dyer and Trails Committee member Terry Gallagher are managing the project along with the Chairman and Commissioner Tate. The contractors are here, Bob Pruzinsky\* and Brad Wells.

Vice-Chairman Dyer introduced the contractors and gave a brief update regarding the contract. They are now in the first phase; laying out the trail. The trail has been staked out. Some work has begun in regards to some cutting. We will need to walk that area to make sure we agree that is where it ought to be. The contractors gave a brief history of the type of work they have done, particularly in Shelton.

Chairman Harbinson said he plans to go to the site late this week to see it himself.

Trails member Terry Gallagher said that both he and Vice-Chairman Dyer have been out, particularly at the front half of the route. He talked about the proposed route and talked a bit about what has been accomplished to date.

Brad Wells talked about what he is going to work on next.

After discussion Terry Gallagher said that once the Commissioners have walked the site they can give the green light to continue with their construction. They all were in agreement of the next steps.

The Commissioners thanked the contractors for coming to the meeting.

### **E. Shelton Lakes Recreation Path – upgrade to handicapped accessible standards. Status**

Discussed in the public portion

### **F. Trails Committee Report**

Vice-Chairman Dyer reported that we had a good turnout for the Birchbank work party/marshmallow roast. The trail has been relocated and is a much nicer trail. Commissioner Tate is working on a design for removal bollards and getting quotes.

Vice-Chairman Dyer said that a boulder was installed at Lane Street to keep vehicles out.

The Commissioners talked about the incident where a car drove on the Rec Path at Lane Street. The person who did it corrected the damage.

Vice-Chairman Dyer reported that the DEP Grant was signed off by the City and we are waiting on the State. This money is to be used for construction on the Rec Path by the Land Trust area.

Over the next year we are going to investigate the feasibility of having a Disk Golf Course on Shelton open space. I will get some information out to you and will have a speaker come to a meeting – either January or February. Disk Golf is a sport that is played with a Frisbee, posts with a basket, and you throw the Frisbee in the basket. The Frisbees have 20 different designs; some are drivers, some are long irons, short irons or putters. This idea, similar to the dog park idea, needs a group of people who want it and want to get involved. The course could be at a wooded/open area. We could look at our open space and determine the best feasible spot. There are Disk Golf courses in Norwalk, New Canaan, and they are building one in Bridgeport.

Commissioner Goodman really liked the idea of the Disk Golf course.

Vice-Chairman Dyer turned in an invoice from Richard for materials.

**Chairman Harbinson MOVED to authorize reimbursement to Richard Skudlarek in the amount of \$97.95 for various trail maintenance items. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.**

Vice-Chairman Dyer reported that the Boy Scout project was complete and there was a ribbon-cutting ceremony on Saturday. The Boy Scout project was done at the Abbey Wright & Eklund cliff open space where they installed a bridge and a bicycle bypass of the Eklund cliff (Paugusset).

Vice-Chairman Dyer said that Al Shigo\* asked me to provide him a list of projects for groups of scouts or an Eagle Scout project. If anyone can think of anything, give the info to him. Agent Gallagher said she could think of some at Birchbank. Commissioner Goodman said that he knows of someone who is interested in becoming a trail volunteer. He will email the info the Bill.

### G. Dog Park – status update

Chairman Harbinson and Agent Gallagher stated that the dog park is now being used “unofficially” by residents. It appears that the parking needs are going to have to be prepared and expanded to at least the level Commissioner Tate had designed in his layout.

The Commissioners talked about the house and garage and the need to demolish them. The house definitely has safety issues with the porch. They were concerned that it could collapse. Chairman Harbinson directed Agent Gallagher to contact the Mayors office to let them know there is a safety hazard with the house (porch, in particular). We recommend the structures be taken down, hopefully during the winter. We see no suitable use for either structure. Vice-Chairman Dyer said that Parks & Rec has put up 3 signs – rules, large dog area & small dog area.

### H. Community Garden Status

Agent Gallagher said that they have pre-registration forms for the 2<sup>nd</sup> garden (279 Soundview Ave).

Chairman Harbinson asked if there is anything they need from Conservation in terms of support. Last year we helped with clearing the field and fencing. Compile the list as soon as possible so we can use it from our budget before the funds get frozen, as typical at the end of the fiscal year.

Agent Gallagher said she knows we will need funds for fencing. Hopefully the approval will come earlier than June. She said that we still need the 8-24 referral from P&Z.

Chairman Harbinson MOVED to write a letter requesting that 279 Soundview Ave. be authorized as the location for the community garden #2. The letter should go to the Mayor and copy Planning & Zoning & the BOA. Actions should be taken suitable for the 2011-planting season.

### I. Tree Replacement/Maintenance account proposal

No new information.

Vice-Chairman Dyer said he'd like to consider that when we get close to the end of the year, whatever budget funds we have left be transferred to this account. Chairman Harbinson said that any time you want to shift money from one budget line item to another has to be approved from the Board of A&T.

### **J. Open Space Trust Account**

As of November 10, 2010, the balance is \$264,445.06, which includes the allocation of \$250,000.00 that was made this budget year.

The Rec Path grant balance is \$2,315.25. Vice-Chairman Dyer said he'd like to use this money for split-rail fences between the dog parking area and the Rec Path. We have to wait until Parks & Rec have finished the parking lot. We also could use this money for the removal bollards.

### **K. Budget Report**

Agent Gallagher will have the report emailed to the Commissioners.

### **L. Open Space set-aside: Status of increase to 15% in subdivision regulations**

We are still waiting for P&Z to agree to a meeting.

### **M. Review of PZC or IWC Applications for Subdivisions and/or Developments**

#### **1. Old Applications/Monitor/Follow-up**

None

#### **2. New Applications (Applications received between agenda creation and our Regular Meeting may be amended to this Agenda at start of regular meetings by a vote from the Commission.)**

##### **a. Scenic Grove PZC #10-22 15-lot proposed subdivision between the northern end of Richard Blvd and Grove Street.**

The Chairman noted that there are drawings presented for review.

Attorney Steve Bellis said he is representing the applicant.

Chairman Harbinson commented that this proposed subdivision is in an R3 district. P&Z has asked for a referral regarding the proposal for a fee in lieu of open space. Agent Gallagher has presented a Google map overlay for review as well as colored section on the map.

Chairman Harbinson invited the members of the public to come up to the table to review the maps and drawings for discussion purposes.

Atty. Bellis commented that this proposal is an extension of where there are approximately 75 houses on Richard Blvd. This property is where Richard Blvd.

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ends and Grove Street. We met with the City officials prior to filing our subdivision map and there was pretty strong feelings about having this become a thru street. As a developer we did not have a preference one way, or the other. Currently the 75 houses only have one access way.

Chairman Harbinson explained to the members of the public present, the role of the Conservation Commission as an advisory Commission, commenting on the natural esthetics of a development. The Planning & Zoning regulations allow accepting a fee in lieu of the open space dedication. This money would go into an open space trust account, where we can purchase maybe more appropriate open space or open space that would connect to other open space parcels or a greenway. Where there is discussion regarding the extension of the cul-de-sac that is the City Engineers opinion and P&Z's mandate on the developer's application of what they want to see in terms of infrastructure of the town. We are purely advisory in saying what types of specimen trees we want to see or preserving some area for open space or preservation of stonewalls.

Atty. Bellis said that they met with some neighbors that were on Richard Blvd. They had strong concerns regarding erosion from a prior subdivision that we had nothing to do with. They hired an engineer and we worked with him and we came up with a compromise of where we would be putting in a detention pond. The Wetlands Commission has agreed upon it as well. There is a stonewall we would be preserving and the discharge will be into a drainage easement that the City has.

Chairman Harbinson explained the role of the Inland Wetlands Commission, in that they are a regulatory commission mandated by the state regulations for the protection of watercourses and buffer areas in the municipality. Atty Bellis explained what items Wetlands agreed upon. Discussion followed.

Larry Henrickson, 32 Richard Blvd.

Mr. Henrickson asked Mr. Bellis if they were removing the cul-de-sac? Atty Bellis said that if the project is approved as it's shown now with the through road, which will be removed. It's considered a temporary cul-de-sac. The pavement will be removed and it'll be seeded with grass. The temporary easement would be removed and it will go back to the landowner.

Mr. Henrickson asked about the stonewall. Atty Bellis said it wouldn't be disturbed; the one that runs along the McNeil property.

Paul Nadeau, 36 Richard Blvd.

Mr. Nadeau asked about the maintenance of the retaining pond, to prevent flooding? I have a retaining pond in my back yard that was put in before I purchased my home. If it's not maintained by the owner, which is me, no one else is going to maintain it.

Atty Bellis said it would be the City's responsibility. The City Engineer would have to sign off on the design.

Mr. Nadeau explained his flooding issues and Atty Bellis said that he is not an engineer and all he can tell you is that it is a detention pond; meaning that the

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water is going to go into it from a rainstorm, and it will drain out along the Gomes property. The water ends up to the Housatonic River.

The Commissioners talked about detention pond designs and recent developments.

The question came up regarding streetlights and Chairman Harbinson said that would be up to the Board of Aldermen's Street Committee.

There was discussion again in relation to what the Conservation Commission's role is on subdivision applications.

Joyce Henrikson, 32 Richard Blvd.

Mrs. Henrikson read her letter into the record:

To the members of the Conservation committee,

I am writing this letter to ask the committee to recommend to the P&Z commission to take the land as open space in lieu of the donated fee which would be very minimal on the proposed subdivision scenic grove. I believe this would keep some of the natural beauty of that property. I also believe speeding is a major factor that needs to be considered. By taking land and keeping some open space, the developer would not be able to construct as many houses as proposed on such a small piece of land which would definitely help address the speeding issue.

I also would like you to recommend to P&Z to keep the stone wall that is already erected . It looks really nice on the property. It would also be great if the developer would identify and measure in the major trees on the property to preserve the natural beauty and to provide easements and or buffers for the existing homes and the newly constructed homes. He should also put in trees that would help to do the same. I would like this letter to be put on file. I thank you for your time and any assistance you give.

Sincerely,

Joyce Henrikson

Atty Bellis said that he believes the Tree Warden would make recommendations on the tree planting. Trees are usually planted as part of the conditions of a subdivision approval.

Vice-Chairman Dyer said we usually get involved at that point.

Chairman Harbinson said we try and discourage "moonscaping"; where they go in and obliterate everything in order to make it easy for the development. We try and encourage preservation of native species. We have a native species garden in one of our open space parcels (Eklund Gardens) where we can illustrate appropriate plantings in our New England environment.

Chairman Harbinson went on to explain how our fee in lieu works. In a subdivision application, they are required to give 10% of the property as open space. It has to be qualified open space; it can't be all steep slopes or wetland areas. It has to be suitable, qualified open space. If they do not have that qualified open space or chooses not offer that, they can give a fee in lieu of. That fee is based upon 10% of the raw undeveloped land value. Before the subdivision is built it will be appraised and they will place a value on that 10%. In regards to purchasing a parcel, not just this particular parcel, the Conservation Commission makes recommendations to P&Z and the BOA as to certain parcels we feel are important to preserve. We have what we call a "quality of life" list,

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which is a number of parcels throughout our community that we have our eye on. We try to develop a relationship with the property owners to say, when it comes time that you are thinking of maybe developing your parcel or leaving it to your descendents, maybe think of the City's interest and we'd like to talk to you about how to accomplish mutual goals. We have a quality of life list of parcels throughout town that we don't reveal to the public to protect the interest of the City in bargaining for purchase against maybe a developer wanting to do the same. That quality of life list takes a great import from our open space plan, where we have identified these greenway corridors I mentioned earlier. The greenway corridors are the Far Mill River greenway, the Housatonic River greenway, the Shelton Lakes greenway, etc. This would be in the general vicinity of the Housatonic River greenway. Agent Gallagher marked where the Housatonic River area is and this is a bit removed from that. The only thing I would say that might include it in the Housatonic River greenway corridor type parcel is if it were on one of the prominent ridgelines.

The neighbors talked about runoff issues and Chairman Harbinson reminded them that would be an issue for Inland Wetlands.

Mr. Nadeau thanked the Commission for being so informative of the process. You haven't insulted anyone's intelligence. You have been very cordial and very pleasant to work with. We didn't find out about this subdivision until after one meeting had already happened. I wish that we had been informed. Atty Bellis explained that the regulations only require they notify neighbors within 100', which is very small. The Commissioners agreed that the notification process needs to be modified to increase the notification buffer.

Mr. Nadeau said we live on that street, and it's not just impacting the ones at the end.

The Commissioners and neighbors talked about the cul-de-sac and the impact of removing it.

Ms. Yangiang, 56 Richard Blvd. She said she bought her house about 3-4 years ago and one of the reasons was that it was on a cul-de-sac. I made a vegetable garden in my front yard because the back doesn't get enough sunlight. I won't be able to keep my garden in the front due to safety concerns.

The neighbors said they never knew that the cul-de-sac was temporary. Chairman Harbinson said that when he first got involved in City affairs, I did not know that cul-de-sacs were typically temporary. There are actually very few permanent dead-ends in town. This isn't just an issue for Shelton, it's state-wide. Ms. Yangiang suggested leaving the cul-de-sac and making one at the end of the new subdivision. Commissioner McCreery said that she would have to make that argument to P&Z. This would not be an issue in our purview.

Commissioner McCreery suggested we recommend that the perimeter stone walls be preserved where practical.

Chairman Harbinson suggested that Parcel A (the lot that would become City property) have the corners pinned so it can be identified in the future. Atty Bellis said that he would pass that recommendation on to P&Z.

The Commissioners and neighbors talked about the placement of the power lines (underground).

Tape 1, Side B

**\*Commissioner McCreery MOVED that the Conservation Commission send a letter to the Planning & Zoning Commission that we reviewed the site development plan for Scenic Grove Estates (P&Z application 10-22), and we received input from the applicant's representative as well as several neighbors on Richard Blvd. The Commission feels the fee in lieu of open space would be appropriate for this development. The Conservation Commission recommends that the P&Z Commission impose conditions of approval to ensure that the stone walls around the perimeter of the subdivision be preserved except for the necessary openings for the continuation of Richard Blvd. and intersection of Grove Street. We further recommend that the P&Z Commission require the 6 corners of Parcel A be pinned for boundary delineation and for maintenance purposes. Finally, the Conservation Commission suggests that the P&Z insures that they have a report from the City Engineer regarding the sufficiency of the design plan for the detention pond to address the concerns of the downstream neighbors. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.**

The neighbors talked about the utilities, that half of the street would be above ground and the other half underground.

Chairman Harbinson thanked the Richard Blvd neighbors and encouraged them to go to other Commission meetings regarding this application.

## **N. Executive Session-Quality of Life**

**Chairman Harbinson MOVED to go into Executive Session for the purpose of discussion of land acquisition issues at 8:30 P.M. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.**

**At 8:53 Commissioner Goodman MOVED to return to Regular Session. SECONDED by Chairman Harbinson. All were in favor; MOTION PASSED.**

Chairman Harbinson reported that no actions took place in Executive Session. We did discuss some parcels for acquisition and we will be meeting with the property owners.

## **O. Comments By Members**

None

## **P. Adjournment**

The next regular meeting is Wednesday, January 5, 2011.

**Commissioner Goodman MOVED to adjourn. SECONDED by Chairman Harbinson. All were in favor; MEETING ADJOURNED at 8:54 P.M.**

Respectfully submitted,  
Marianne Chaya  
Clerk, Conservation Commission