



City of Shelton Conservation Commission

Meeting Minutes for August 4, 2021

This meeting was held virtually. Video recording is posted on the Conservation Commission's YouTube channel: <https://www.youtube.com/watch?v=OAKYBfnbuoI>

Members Present: Tom Harbinson (Chair), Tom Wilson, Ed McCreery, Bill Dyer, Jim Tate.

Absent: Sheri Dutkanicz

Also present: Teresa Gallagher, Natural Resource Manager (starting at 7:14 pm); Lauren Pawlowski,

The meeting was called to order at 7:10 pm by Tom Harbinson.

Meeting Minutes: **Ed McCreery made a motion to approve the July 7, 2021 meeting minutes. Seconded by Tom Wilson. All were in favor.**

Lauren Pawlowski, Naugatuck Valley Council of Governments (NVCOG) presentation on Sustainable CT program: Lauren Pawlowski explained that **Sustainable CT is a nonprofit organization** based in Connecticut. They offer a certification program for municipalities and provide training and grant opportunities. Every year all the towns that have been certified are recognized at the annual Connecticut Conference of Municipalities (CCM). Projects that have already been completed qualify for points, so Shelton is already well on its way. Most towns take 6-12 months to be certified.

The first step in the process is for the town to pass a resolution and establish a sustainability team (usually 3-5 people, including one staff person), then register the town at sustainablect.org. Towns need to complete at least one action in each of 13 categories to become certified.

Currently there are 123 municipalities registered and participating, with 64 certified. Shelton is one of the 46 remaining towns that is not participating. Derby and Ansonia are participating. Shelton actions already completed include brownfields redevelopment, implement complete streets, develop open space plan, create natural resource and wildlife inventory, pollinator gardens, additional materials recycling, and others.

There are Bronze (200 points) and Silver (400 points) certification levels.

Jim Tate said that Shelton has always worked towards these goals without expecting recognition, although it doesn't hurt. Tom Wilson added that new people coming to town may not be aware of the efforts that have been taken over time, so that would be one advantage of being certified. Tom Harbinson thought the certification might help in acquiring grants. Committee members recommended that Ms. Pawlowski schedule a meeting with the Mayor.

Natural Resource Manager Report: Chairman Harbinson asked Teresa Gallagher if there was anything she wanted to report. She described her efforts to remove invasive plants near the Birchbank trailhead where Japanese Knotweed had been previously removed and a deer enclosure installed for demonstration purposes. The knotweed would close down the trail and needed to be removed, but the area then filled with other invasive plants, some of which were sporadically removed. The growing conditions and plants are unique in this area due to the lime in the rocks, and there are Dutchman's Breeches, Green Dragon, Doll's Eye Baneberry, and other unusual plants. This year, she noted that within the deer enclosure, the invasive plants were not growing because the native plants were protected from deer and able to prevent the invasives from getting started. Therefore, she decided to try spraying deer repellent in the area and systematically removing all the invasive burning bush, barberry, garlic mustard, and others species, with hopes that the natives protected with deer repellent would become established throughout the area. She has scheduled four Saturday work parties in August.

Birchbank tree cutting: Tom Harbinson asked about some recently cut trees at Birchbank. Teresa Gallagher explained that she came upon large freshly cut trees across the Paugussett at Birchbank near Round Hill Road. She knocked on the door at 72 Little Fox Run and met with the new homeowners, who said the realtor told them their property went down the hill into the woods, across a big stone wall at the edge of their lawn. Also that the cut trees were leaning. They said they were unaware of the hiking trail or the Birchbank Mountain Open Space, and agreed to have their tree service come back and remove the trees off of the hiking trail. After checking the maps, Teresa Gallagher then sent a letter to the new homeowners informing them that the trees were on City property, the stone wall was the property line, and also that another portion of their property was protected by a conservation easement.

Jim Tate said the property owners should be required to put in new trees. Ed McCreery agreed and said it's treble damages if they don't. Jim Tate continued that we have to stop somewhere or people will think they can get away with it. Every other town in Fairfield County requires you to replace cut trees, so it's time that Shelton gets with the program. Teresa Gallagher said that she did not think it was a "knowing violation." Jim Tate and Ed McCreery both said that it doesn't matter, it's the property owner's responsibility to know where their property line is located. Ed McCreery said the letter to them should say 'you

have a choice. Either you plant replacement trees 1 inch caliper or larger, or the City will do it and send you the bill'. And it should be signed by the Chairman. Tom Wilson said he agreed, and even if it wasn't egregious, it doesn't make for good barbecue talk with the next neighbor if they say, "I just cut the trees down and nothing happened." Teresa Gallagher asked if it would be acceptable to plant evergreens as a screening between the trail and the house. Jim Tate said no, it must be a similar tree to what was cut down, in this case hickories. Oak would be OK. We want a food source tree. Teresa Gallagher said, from a hiking perspective, I don't like seeing the house, so an evergreen would be better for the trail. Ed McCreery said let the homeowners plant evergreens on their property, not the city property. **Jim Tate made a motion for the Chairman to send a letter to 72 Little Fox Run requiring a replacement of the cut trees with hickory or oak trees of 1" diameter or larger. Further, letters should be sent to the neighbors along that property line explaining that there had been recent tree cutting and reminding them that no clearing or cutting was allowed on City property. Seconded by Ed McCreery. All were in favor.**

Trails Committee Report: Bill Dyer gave an update from the Trails Committee meeting held immediately before the Conservation Commission meeting. The main discussion was the barn. The committee had agreed on staining the floor rather than painting it. Jim Tate brought down weathervane "Hank the Hiker" from Vermont and it will be installed shortly.

Shelton Canal Locks Restoration Update: Ed McCreery reported that the Mayor gave Paul Grimmer the permission to put out an RFP provided he contact the power company first. The request for proposal went out last week and eight engineering firms have expressed an interest in scoping out the project.

Applications for Developments: No new applications.

8-24 Referral 56 Wesley Drive Sale of Public Open Space. Tom Harbinson reported that Conservation was forwarded an 8-24 referral letter dated July 14 to Planning & Zoning regarding the potential sale of open space to the owner of 56 Wesley Drive. Jim Tate said, how many times do we have to go over this? No. We're not selling open space. Period.

Tom Harbinson performed a screen share of the 8-24 letter from the Mayor's Assistant Jack Bashar and said what was puzzling him was the statement in the letter "the Planning and Zoning Commission previously approved a similar request for three individual properties directly across the street on Wesley Drive." Tom Harbinson said he didn't remember that occurring, and he asked the P&Z Chairman and she didn't recall that either. The BOA clerk was also unaware of any previous 8-24 referrals for the sale of open space on Wesley Drive.

Tom Harbinson shared the City GIS map and explained that #56 is where the current request for the purchase of open space is occurring. There is no encroachment there now, but the letter is implying that they would like the ability to build something there in the future, or maybe install a pool. Jim Tate said “move. We don’t need to discuss this further. It’s over. No.”

Ed McCreery asked if the property diagonally across the street with the pool was the one that had been discussed previously. Teresa Gallagher said it was. The Miressi property.

Jim Tate said, this starts the ugliest precedent that I can possibly imagine. And I can clearly recall, way back when Huntington Woods was presented by Monty Blakeman, that these lots were too small to support this size of a house. And don’t come back and ask for the ability to build a pool or this and that. I don’t want to have any part of this.

Tom Harbinson his concern was that it looks like this has already been done across the street. He pulled up the Tax Assessor records showing the sale of open space for \$11,500 to Michael and Kerry Miressi at 49 Wesley Drive dated May 21, 2021. This was the property that had gone before ZBA for the construction of a pool, and then the pool was constructed partly on open space. And there was also a fence, lawn, and playset in the open space. I didn’t see any 8-24 referral for this. I would not have known about this sale if I hadn’t done this research, and I don’t know where this \$11,500 went.

Jim Tate thought that was different issue. Tom Harbinson thought they were related because it was implying that P&Z already gave a favorable 8-24 referral to the properties across the street. Jim Tate said that he was not part of that and would not have given a favorable referral.

Ed McCreery said that to clarify, the Conservation Commission is not charged with giving an up or down vote on an 8-24 referral. That goes to P&Z. Conservation can give P&Z an opinion, and should.

Ed McCreery made a motion to send a letter to P&Z stating that Conservation totally opposes the request by 56 Wesley Drive to expand their property by buying a chunk of the City’s open space so that they can have an amenity to their house that they should have considered when they acquired their parcel. The City’s open space is not meant to add to the inventory of someone’s property. When you want to build something that can’t fit on your property, the remedy to most people is you put your house on the market for sale and you buy another house. Don’t buy something that’s been dedicated for the public benefit for perpetuity. City open space is not for sale. Seconded by Jim Tate. All were in favor.

Tom Harbinson said that what was frustrating to him was that the 8-24 letter was not accurate with regard to the properties on the other side of Wesley Drive. Ed McCreery

said that if the Commission wants to add something to the letter, it's that pointing to the other Wesley properties as shining examples when they are exactly the opposite, where the owner did utilize City open space for personal use, putting the city in an uncomfortable position where it had no option other than long, dragged out litigation, or to adjust the lot lines. In the case of #56 Wesley, just because they asked nicely first doesn't mean you should give them the green light.

Tom Wilson said they are getting the advantage of having the open space to start with. You can't have it both ways. Bill Dyer said it was disheartening to learn that we actually sold some of the open space for \$11,000.

The meeting was adjourned at 8:22 pm

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