

CITY OF SHELTON  
CONSERVATION COMMISSION

Minutes for the Regular Meeting on Wednesday, April 3, 2013 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  
Joe Welsh, Commissioner  
Sheri Dutkanicz, Commissioner  
Jim Tate, Commissioner  
Ed McCreery, Commissioner

Also

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

## A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:10 p.m. All in attendance recited the Pledge of Allegiance.

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## **B. Approval of Minutes**

**Vice-Chairman Dyer MOVED to approve the minutes from the March 6, 2013 Regular meeting. SECONDED by Commissioner Welsh. All were in favor, MOTION PASSED.**

## **C. Public Portion (items not on agenda)**

Guy Beardsley, Shelton Farmers Market

Mr. Beardsley reported that they did have their Farmers Market meeting and the market will open on June 15, going to Nov 9, skipping a week and then the last one on Nov 23.

Mr. Beardsley passed out copies of a planting schedule for each month of the year. The month is broken out in hours and schedules for "leaf, fruit, flower or root". The hours noted on the calendar for each is the optimum time for planting. This schedule was created for the best planting times according to the cosmos; the way the moon, sun and all the planets interact, as well as the constellations as they pass in front of the moon.

Mr. Beardsley and the Commissioners spent some time talking about planting and what classification certain plants/roots fall into.

## **D. Trails Committee Report**

Vice-Chairman Dyer reported that the Trails Committee had a great month last month with the Marshmallow march, which was well attended and there were several newspaper articles regarding our activities, and there was also the presentation of the award for the Rec Path.

Agent Gallagher talked about the display case that will be installed near her office. She said she'd like to have a painting of the Rec Path to put in the display.

Vice-Chairman Dyer showed the Commissioners the pictures of the structure at Pine Lake, which is still unknown what it really is, but thought to be a valve house. He talked with Dean Cawthra about it and they need to decide what to do about it, whether to repair it or remove it. Dean said he'd try and get to the structure and report back to what he sees inside and make a recommendation as to what to do about it. Commissioner Tate said the last time he went in, there were a lot of bees inside.

Terry Gallagher said that the structure is at least an immediate high-hazard dam over downtown. The City is responsible for this thing operating. He said that Bob Kulacz, the City Engineer, had Fuss-O'Neil update the emergency preparedness plan for the dam. He said he did not know what is in the report. It's probably in the City Engineer's files. When I went to the DEP for permission for the bridge, I researched their records. They had all kinds of reports from Aquarion on the dam. This was several years ago. The City is responsible for operating the dam. Whatever maintenance has to be done, if it's not needed anymore, it can be removed. The operable valve would have to be able to get to

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in an emergency situation. Commissioner Tate said he always thought that it was a by-pass valve. Vice-Chairman Dyer commented that according to Dean, when they replace the dam they never actuated the valve.

Terry Gallagher talked about how they did the work at the dam.

The Commissioners talked about the options of what to do with the structure.

One problem is that the bottom is eroding.

Vice-Chairman Dyer reported that on April 21 the Trails Committee will host a "trillion hike" at Birchbank at 1PM. On May 19<sup>th</sup> they will have a hike on the Rec Path at 1PM. On National Trails Day, June 2, they will hike on the Paugusset Trail.

We don't know why, but they haven't done the surveying at the end of Mayflower.

There are two expense reports for reimbursements.

**Chairman Harbinson MOVED to reimburse Richard Skudlarek and Sandie Kopac for attending the Land Conservation meeting at Middletown. The cost was \$40 for each, total of \$80. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.**

**Chairman Harbinson MOVED to reimburse Vice-Chairman Dyer for the purchase of deck screws, ballast hardware for safety improvements at the bridge at Hope Lake, in the amount \$23. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.**

Vice-Chairman Dyer reported that a date has been picked for the chainsaw safety course to be given by Stihl on April 11<sup>th</sup>. Anyone interested should contact Commissioner Dutkanicz.

Chairman Harbinson read a letter from Gabriel Brown, the Eagle Scout that constructed the bridge at Hope Lake thanking Vice-Chairman Dyer for his all of his help and support plus the donation from the City in order to complete his project.

## **E. Open Space Encroachments**

Chairman Harbinson reported that Agent Gallagher sent a letter to Ruth Parkins, Chairperson of Planning & Zoning, plus to Jerry Glover, of the ZBA, regarding open space encroachments in general and specifically gave reference to the encroachment on 49 Wesley Drive and Mayflower Drive. Regarding the encroachment on Wesley Drive, the one with the pool in the open space, the violation situation is now in the hands of City Counsel. There certainly is the liability where someone who has constructed a pool on City property. I talked with Jerry Glover regarding this incident because the homeowner did make representations at the ZBA approval that they had an A-2 survey and where the pool would be constructed, which they totally violated. If you recall, the

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homeowners were at our last Conservation meeting. There will have to be some resolution between the Board of Aldermen and the homeowners. I have communicated with John Anglace regarding this violation.

Agent Gallagher reported that Commissioner Welsh alerted her some time ago about some dumping on Stone House Lane. She said she took a ride over there and did post some signs as well as speaking to one homeowner who was throwing sticks in the open space at the time. I jotted down some of the addresses where it seemed they had been dumping the most. It wasn't one big pile, it seemed quite a few piles where it seems most are doing it. I will send letters to the whole neighborhood. She said she'd try and get this area cleaned during Clean Sweep.

Agent Gallagher presented a packet she received from the State where it details the repair of the bridge on Howe Ave (near the Boys/Girls Club).

### **F. Open Space Impacts from Deer**

Agent Gallagher recounted some of the information she has been forwarding to the Commissioners in the past and talked about attending the meetings of the Fairfield County Deer Alliance. This is not something the Conservation Commission deals with; it is the Conservation Commission's interest in the open space being damaged. In my professional opinion for our existing open space the deer overpopulation is the number 1 threat we have. It's more important than invasive species. Everything will be wiped out due to the deer eating the understory, which can't regenerate. This includes the baby trees. If we should have a strong hurricane where a lot of trees are wiped out there won't be the baby trees to replace them. Generally the Conservation Commission wouldn't be directly involved in except to recommend that it be looked into. I would recommend that this Commission recommend to the Board of Aldermen that it set up a temporary ad-hoc deer committee to include members from the general public, someone from the Police Dept., a doctor who has dealt with Lyme disease, someone with landscaping background. This committee should study the issue and do a report with recommendations. Then the Board of Aldermen would take their recommendations and determine the next course of action.

The Commissioners talked about this idea and determined that a letter should be written by the Commission recommending this committee.

**Commissioner McCreery MOVED to delegate to the Conservation Agent to draft a letter for the Chairman to sign expressing our concern about the overpopulation of deer that is impacting our open space. This letter will be sent to the Board of Aldermen recommending the creation of a committee to study the problem and make recommendations. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.**

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## G. Open Space Trust Account: Status

No update.

## H. Budget – 2013/2014 FY

Chairman Harbinson reported that he made a presentation to the Board of A&T regarding our budget request. The Mayor recommended to the Board of A&T pretty much what we had requested.

The Board of A&T was appreciative of all our inputs.

Just to note for the record, the Community Garden has 60 families participating, the Trails volunteer hours for 2012 was 1742 hours spent on the trails by volunteers, committee members and Eagle Scouts. We had 8 guided hikes last year and averaged 30 participants in each hike. Our Facebook page has 842 fans.

Agent Gallagher said that the Trails blog has over 40,000 hits.

Chairman Harbinson said that at the next meeting Agent Gallagher will prepare some budget line items that will need to be transferred. We will have to submit the request to the Board of A&T. He explained that Agent Gallagher has taken on additional roles and her hours have expanded.

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

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

- i. PZC 12-21, Zone change for proposed 262-unit apartment complex at 740 Bridgeport Ave (map 19, lot 56).

Conservation has already commented and P&Z is in their review process.

### 2. New Applications

- i. PZC 13-5 Hawks Ridge, Long Hill Cross Road/Beard Sawmill Rd, PDD zone change from Light Industrial for 140 residential units

Commissioner McCreery recused himself from discussion due to the fact that his firm represented a Wells family member at some time in the past.

Chairman Harbinson commented that the Commission reviewed the plans last month and we need to comment this month.

Vice-Chairman Dyer said that the letter should be very strong, detailing our concerns.

Chairman Harbinson expressed the concern that he along with Jim Tate and others spent so much time creating the Plan of Conservation & Development, it is

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imperative that the City utilize the Bridgeport Ave/Route 8 corridor to its greatest yield to the City for tax dollars. Those tax dollars will balance the net negative of taxes versus services that occurs on typical one-acre residential development. There is significant acreage still left in town on which that will occur. We have to have the horsepower of that economic corridor to generate the excess in taxes versus services to balance it. Changing it from a light industrial park to residential is a wrong direction, in my opinion. I do recall that Mr. Bob Scinto at one time came to P&Z a number of years back with a proposal for a light industrial park application on that location. It got turned down because of some issues of drainage were not resolved. It's not like light the economic development of that parcel couldn't be done with the way it's currently zoned.

Tape 1, Side B

Because this application is a PDD there is nothing in the regulations about open space dedication.

Vice-Chairman Dyer asked if they are changing the zoning, why isn't it changed to R-1?

Chairman Harbinson answered that P&Z has a lot of latitude in what they can request in a PDD.

The Commissioners spent time reviewing and commenting on the application especially on the environmental impacts to the Far Mill River. They determined after the discussion that a letter should be sent and a motion was made as follows:

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Commissioner Welsh MOVED to write a letter excuted by the Chairman to Planning & Zoning Commission regarding P&Z application 13-5. The Conservation Commission at it's March 2013 meeting reviewed the proposed application for Hawk's Ridge Development, the plan dated 1/28/2013. In particular with note to the Commission it's strenuous objection to the proposal. The Commission feels it would be inappropriate for the City of Shelton to ignore the Plan of Conservation & Development, which took years to develop and to ignore it at this point would amount to short-term thinking of a long-term development along Bridgeport Ave and would be solely at the behest of the short-term goal of the property owners, which does not appear to be in the City's long-term best interests. The Commission would note that residential utilization of the property would be undertaken under these proposed plans without the protections existing under the current Shelton residential zoning regulations and the applicable subdivision regulations that would otherwise apply if the PDD process was not being utilized to circumvent the City's zoning regulations to change the zoning of this property. The result of the aforementioned ignoring of the residential zoning regulations is a net loss of open space that the City would otherwise acquire for so many residential users. The proposed plans have no adequate protection to address water quality runoff into the Far Mill River, for which Trout Unlimited, the Far Mill River Association and the Conservation Commission has been working tire-esley over several years to return the river to habitability for aquatic life. This river in particular is stocked by the DEEP and in addition to the Shelton Land Trust, which owns land abutting the upper and lower portions of the Far Mill River and has worked tire-esly to improve its water quality. The water quality of the Far Mill River is critically dependent upon both the quality and temperature of the water flowing into the water. Recent macro-invertebrate studies undertaken by the City's Conservation Agent revealed that the river is at a critical junction at this stage between being a productive life form or sending to a dead river. The proposals have inadequate set-asides for non-wetlands, non-steep slope qualified open space. There is no evidence that the proposal offer any low-impact storm water management. The proposal does not consider the natural character of the land. There appears to be no analysis of existing natural resources on the site to include stone walls, out-croppings, slopes, mature trees or any other aspects that might be considered for preservation as part of the development. The bottom line is that this is an out-dated development proposal more suitable to the 1960's than today's more enlightened approach undertaken by more modern developers and utilizing more green technology and more advanced approaches.

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**In conclusion, the Conservation Commission would urge the Planning & Zoning Commission to either stick to the Plan of Conservation & Development that this City fought long and hard to establish, alternatively to require a change of zone to residential zoning where appropriate regulations could be implemented to address these issues. SECONDED by Vice-Chairman Dyer. All were in favor, except Commissioner McCreery recusing himself. MOTION PASSED.**

## **J. Communications (sent or received)**

- CACIWC newsletter
- CT Woodlands – CT Forest & Parks Association meeting publication
- CT Dept. of Transportation regarding the bridge repair on Route 110 along the Morgan/Curtiss brook (by Riverview Park & Boys & Girls Club). There is a stone culvert that has to be repaired.
- CT Farmland Trust letter
- Memo from Tom Welch to Rick Schultz & copy to Agent Gallagher (3/18/13) regarding a conservation easement agreement for the Burnsten subdivision. This is off Route 110 on the river side. This conservation easement is on the slope that goes to the train tracks. They want us to review the wording of the easement because it does include a potential for a walking path for the private property owner towards the river. Chairman Harbinson read the verbiage. The Commissioners had no issues with the language.

## **K. Quality of Life – Executive Session (land acquisition and security issues)**

**Vice-Chairman Dyer MOVED to go into Executive Session to discussion land acquisition issues and security @ 8:25 P.M. SECONDED by Commissioner Dutkanicz. All were in favor; MOTION PASSED.**

**Vice-Chairman Dyer MOVED to return to regular session at 8:35 P.M. SECONDED by Commissioner Dutkanicz. All were in favor; MOTION PASSED.**

**Chairman Harbinson MOVED to authorize an appraisal done for the parcel discussed in Executive Session for the purpose of potential acquisition. Discussion is on-going with the property owner. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.**

**Vice-Chairman Dyer MOVED to authorize the Chairman to discuss the property discussed in Executive Session that is along the Shelton Lakes**

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**greenway corridor with the Mayor to encourage him to reach out to the property owner. This parcel has been on our list of desired property acquisitions for some time. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.**

## **L. Comments By Members**

Agent Gallagher presented a book where the author will be speaking Highstead in Redding. The book puts in perspective throughout the Eastern U.S. all the towns & suburbs have over deer, beaver, geese, coyotes, bobcats, etc. Marianne Chaya showed the Commissioners photos her son took of a bobcat that was in her backyard Easter Sunday night.

## **M. Adjournment**

Meeting adjourned at 8:45 P.M.

The next regularly scheduled meeting is Wednesday, May 1, 2013.

Respectfully submitted,  
Marianne Chaya  
Clerk, Conservation Commission