

City of Shelton, Conservation Commission  
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 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  
Jim Tate, Commissioner  
Hank Lauriat, Commissioner  
Edward McCreery, Commissioner (arrived at 8:40 PM)

The Commission currently has 6 active members.

Also Present: Teresa Gallagher, Conservation Agent  
Marianne Chaya, Clerk

## A. 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.

## B. Approval of Minutes

**Commissioner Lauriat MOVED to approve the minutes from the August 1, 2007 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

## C. Public Portion

Linda Hooper, Hubbell Farms, 61 East Village Rd.

Ms. Hooper said I am here tonight to clarify and answer any questions that you might have because I have had a couple people approach me and I've read the minutes from last month and there has been some misconception that French's Farm is not being hayed. I am here to tell you that we do have a contract with the City that we renew every year and we do cut the hay on French's Farm. I think where the misconception has come in is well before the City bought it Rudy Hudak used to hay it and he used to have strips along parts of the hay field where he grew his cow corn. That has been overgrown with the Russian Olive. We have taken upon ourselves to maintain it for a number of reasons. One, it's our backyard. Two, our property was all once French's Farm before we bought it so we kind of feel a commitment to it. Also, the City really doesn't have anything in place to take care of its open space so we have kind of taken upon ourselves to be the steward of this area and trying to keep it in control. When the property was for sale before the City bought it there was a zillion perk pipes put in. I can't tell you how difficult that was for my husband and I to take those out. I had to wrap a chain around it and he pulled it out with a backhoe. We bought a load of

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loom to fill in the holes. There was a comment that there are holes. They do sink.

Commissioner Lauriat commented that the last time he was up there the holes were still there where you come in, opposite your house. I remember going up there with Jewel and the pipes were still there. Ms. Hooper said that they are gone now. When we removed them we stacked them at Grandison and couldn't get anyone to take them away. We ended up taking them away ourselves. Ms. Hooper also stated that there was reference to two pieces of farm equipment left in the field. The owners of the property that the City bought it from left it. It is one piece of machinery broken into two pieces. I have on numerous occasions mentioned that those should be removed and nothing has happened. Since talking with Commissioner Lauriat at the Farmers Market we've moved them to the edge of Grandison with a backhoe. I've mentioned this to the Mayor that it needs to be taken away and we have no way to do this ourselves.

Commissioner Lauriat commented that you shouldn't have to take them away. That is what we've all been complaining about.

Ms. Hooper added that they have removed at least 200 of the Russian Olive trees. I would welcome you to come up and see the area. It really looks great. Chairman Harbinson commented that he went up there recently and it really does look great.

Ms. Hooper continued that we've had to move all the Russian Olive's by hand because we don't have the kind of equipment to remove it. We have to put a chain around each one and yank it up.

Commissioner Lauriat asked how much of the area do you hay?

Ms. Hooper responded that at the very top part off Grandison was always corn. That is where the Russian Olive was. As we have removed them we've planted corn to maintain it and keep the Russian Olive from growing back. We've also plowed up a strip where we are going plant grass for hay. If those strips aren't planted the Russian Olive's will come back. I think right now it looks fantastic. I don't mind telling you that we asked a few years ago if they had a brush hog and they said no. We bought one that is strictly for that property; we don't need one for ours. Someone had asked me, gee, why don't you go up there and brush hog. It's not that easy. If you don't remove the rocks first you can't brush hog. That's also been another on-going project to remove the rocks. We have our own farm to take care of too, but we're happy to do it. I think the place looks great and we're very proud of it. If anyone wants to come up our driveway to look at is welcome. There are still a few more trees to remove and we will get to it, little by little. We get nervous too because next year they may say they don't want us to hay it and we've spent a lot of money taking care of it.

Commissioner Lauriat said that the thing that got him going about this was back when we were all voting on the latest grant for the development rights and I walked into the Dew Drop coffee house and there must have been 8-10 people there who said the same thing –“why should we vote for this thing because we know Jones will never sell his property” and “ the property the City has picked up

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(Wiacek and Tall Farms) so far has gone to seed". Their complaint I thought was genuine. There are places that you go have "gone to seed". The City, I don't think was then and still are not prepared to deal with it. You can't rely on good neighbors to do it because good neighbors come and go. The Land Trust had the same problem with Nicholdale. We spent our money to keep the place half way decent.

Ms. Hooper commented that we want to keep it looking nice too for a couple of reasons. One, we have to look at it and we want the City to be proud of it. We were asked by the Mayor to go over to the Wiacek property a couple of years ago to cut down the Russian Olives over there, which we did to get that place started so that someone can maintain it. My only thing was is our agreement with the City was to cut the hay and we do that. The Russian Olives is something we have been picking at little by little on the corn strip. I think we've gotten most of it. We do two hay cuttings a year. We fertilize the hay every year and it's nice green grass.

Chairman Harbinson said I applaud you for the work you've done. I have been up there a few times and saw the bailer equipment up on top of the hill and I was up there on Sunday. You've done a great job.

Ms. Hooper commented that she told the Mayor what they have been doing and his comment was that it is not our responsibility, to which I said I know it isn't but we doing it and we are happy to do it. I also mentioned again about the equipment that would need a flatbed truck to remove that we do not have ourselves. Someone needs to come and take them away.

Ms. Hooper concluded by saying if there is something else you would like us to do we are certainly welcome to entertain the thought.

Chairman Harbinson asked for Ms. Hooper's perspective as a farmer and knowing how the City has lease agreements for haying. We have been wondering about the agricultural land the City owns such as the Tall Farm, Klapik, etc., which currently has grass and corn planted, in our open space plan revision we have been thinking at looking at agricultural properties as to what potential uses they have. Obviously those kinds of efforts would require investment from the lease holder or lessee for things like fencing, and the way the City's agreement currently work is just like a year-to-year kind of a thing. At some point we'd like to get your perspective as to what would make sense.

Ms. Hooper said that for us it's a great match because I do have a lot of livestock and I can use the hay. I will say that as far as the City is concerned every time they need hay I give it to them and don't charge. I know that is not true for others who hay City property; they charge them. I will also say that some of the people that you probably saw at the coffee shop wanted to hay French's Farm and they did make kind of a big ruckus at the beginning when we did it. At the time I volunteered to split it with you – I'll do half and you do half. But what I will ask you to do is to maintain your half. I got no, I'm not maintaining my half; I'm simply cutting the hay and getting out of here and selling it. I said that's not going to work. I'm not going to maintain your half and you take the hay. This is a

nice mix for us having the field in our back and we can use the hay and we have all our equipment right there to be able to do this. We are happy to keep this clean and it looks great and we've gotten most of the Russian Olive out of there. You have to plant something; otherwise it will all grow back. We try to keep the lane clear and we've widened it and it needs to be widened again.

Commissioner Lauriat asked what would happen if someone came up with the idea that we should allow a boy scout jamboree to take place on French's Hill. How high would you jump? I suspect pretty high.

Ms. Hooper answered that I don't think you can. I believe the property is deed restricted. She added that on occasion they have had to go and clean up trash and beer cans left by people using ATV's.

Commissioner Lauriat asked about other properties the City owns as to whether it's a good idea to let things like Boy Scout Jamboree's to even take place on those open space properties. Wouldn't that just defeat what we were trying to do to maintain the property?

The Commissioners discussed the topic and said that this is only a short-term event and you have to look at the time of year the event is happening.

Commissioner Lauriat commented that his point was, with one exception, is that it appears there is no real effort, private or public to do anything with the other properties, is there?

Chairman Harbinson said the only one he is familiar with is the Klapik property that Well family hays. In looking in the future the City needs to make some investment at some point in removing some of the invasive species that have encroached, maybe improve the soils in certain areas.

Ms. Hooper said she would like to have a 5-year lease instead of the 1-year lease it would give us the incentive.

Vice-Chairman Dyer asked who makes the decision of who gets the lease?

Chairman Harbinson said that you would have to make a proposal of what you want to do on the property, it is evaluated, and an agreement that is signed by both properties.

Ms. Hooper explained the importance of maintaining the hayfields.

The Commissioners thanked Linda Hooper for taking the time for coming to the meeting and explaining what she and her husband does for French's Farm.

## **D. Trails Committee Report**

Vice-Chairman Dyer reported as follows:

### **1. Planned Projects for 2007**

- a. Rec Path –Specifications Needed for Contractor Competition  
A specification was received from Terrance Gallagher that will be sufficient to put it out for bid. We would appreciate getting an example from Commissioner Tate to use.

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- b. Rec Path – Phase 2 – Location of path from Route 108 in front of white house to connect with existing trail. At some point this winter we will relocate the path. This will be along Nells Rock Rd. but inside the stone wall.
- c. 2008 Recreation Trails Grant Application. Through some work and close ties with some alumni we are going to receive something in the order of \$75,000 for the 2008 Rec Trails Grant. It will happen around June 2008.
- d. \$2500 State Grant – This has been dubbed the Dick Belden grant. We might want to have discussion of a memorial. Agent Gallagher said she had this topic in her report to discuss later.
- e. Turkey Trot Trail and Shelton High School Cross Country Team. I have talked with John Niski, the athletic director at the high school. They want to use part of the Turkey Trot trail for the cross country team. I asked why not the entire trail and he said that the parents like to see the kids running and part of the trail is not visible from Constitution Blvd. They did volunteer some kids to come and help and we are working with them to do that.
- f. Trail at the old Master's site, Rte 110 and Far Mill River. Nothing needs to be done.
- g. Trail along the driving range and behind the hockey rink. They have not done any of the things that were promised and we will have follow to follow up.
- h. The Wellsprings Estates Trail – Far Mill River Trail status  
The trails committee is dissatisfied. The trail has only been built 1/3 of the way that they agreed to. It stops at the No Trespassing sign (that needs to be removed). There was also an agreement to restore the area around the corncrib that had been agreed upon to a meadow. Terrance Gallagher, Trails Committee, commented that when they met with the developer's representatives they had agreed to extend the trail all the way down along the river to the end of the property line that works with the Far Mill River greenway and provides fishing access for the public. They were going to remove the no trespassing signs and save the stone work at the turn-around. Subsequent to that meeting they had placed a lot of construction equipment and debris that has not yet been cleaned out of the open space. Our key concern is that since there is a request to reduce the bond with P&Z we would like all the work that was supposed to have been done taken care of before the bond is reduced. One of the things discussed during our field walk was the removal of invasive species to help restore the grass habitat on the flood plain. I do not know what was written in the formal P&Z approval but that was discussed by the developer's representative that day.
- i. Connect Blue Dot Trail to Shelton Lakes

- i. Alternatives Report sent to BOA. Has there been any feedback? Chairman Harbinson answered, no.
- ii. Schedule meeting with Mayor. The consensus was to try and get a meeting scheduled within a month.
- j. Preservative for Pedestrian Bridges – Job Completed
- k. Hike scheduled for October 6 at 9:30 A.M.

## 2. Work Party Schedule

- l. September 15, 29
- m. October 13, 27
- n. October 7 – Shelton Day. The Land Trust Commission has invited us to work with them at their booth. We need to have maps printed.

**Vice Chairman Dyer MOVED to authorize Agent Teresa Gallagher to have 500 maps printed for the Shelton Day event, not to exceed \$250. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor, MOTION PASSED.**

- o. Fence at Pine Lake. The fence has been pulled apart at one location and the caps have been removed at each of the vertical stands. It was suggested that M&M fencing replace that section of the fence.
- p. Fence at Farmers Market. Commissioner Tate reported that the caps were removed by Parks & Rec to remove the chain that went between the columns for mowing reasons. Several kids have been scraped by the pipes and could be dangerous as they are very sharp at the tops. Agent Gallagher was directed to email Ron Herrick at Parks & Rec regarding both fences.

## **E. Open Space #120.01, Shelton Ave/Maler Ave, proposal to shift property lines by Willard Nicholas, 433 Shelton Ave & maintenance or cutting of vegetation on open space near pond.**

Mr. Nicholas presented copies of maps he has had made through the years and pointed out the open space and the conservation easement. He said that he had Rick Schultz and Tony Pogoda from P&Z come out to the property to review the area.

Tape 1, Side B

He wishes to shift the easement primarily to have access to his garage. Agent Gallagher detailed the photos of the property and the area in question.

Mr. Nicholas also pointed out the monitoring wells for the gas station.

Chairman Harbinson commented that the pond itself has regulated areas and Inland Wetlands may get involved. There might be an allowance from the IWC to allow him to cut the area for access to the garage.

Commissioner Tate suggested that Mr. Nicholas come back with a survey map and the proposal along with the hardship, such as not being able to access the rear of the building through the easement.

The Commissioners & Mr. Nicholas discussed the monitoring wells on city open space.

Agent Gallagher suggested that she could go out to the property and mark the invasive species that could be cleared.

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

### Old Applications

Twisted Vine Estates – PZC #07-38, 26-lot subdivision of land abutting Birchbank Mountain, Open Space, Fox Hunt Road, Okenuck Way, Poe Place and Dickenson Drive (Map 174, Lot 11), by EVR Joint Venture

No change

Avalon Bay – Shelton II, PZC #07-16, Bridgeport Avenue & Huntington Street. Modification of Conservation Easement

Chairman Harbinson reported that he was at the Board of Aldermen meeting and made the Commission's points known and talked with Atty. Ray Sous. The suggestions were well received at Planning & Zoning.

### New Applications

49 Wesley Drive, ZBA #907-3, reduction in rear setback to 6 feet from abutting open space for swimming pool.

This was on the Zoning Board of Appeals agenda for the September meeting. Vice-Chairman Dyer reported that he viewed the property. The edge of the property drops down towards where the Rec path is going to be. The lot is now totally mowed and they will be replacing the grass with a pool.

Commissioner Tate commented that they have to watch is that there is no grading to accommodate this.

There was discussion of whether any vegetation would have to be removed.

Vice-Chairman Dyer reported that there is a tree at the property line that has an open space sign attached to it.

Chairman Harbinson commented that if there is any approval from the ZBA it would have to have some agreement written that there is an acknowledgement

that the open space abuts this property and there are trees overhanging and should exempt the City from liability.

Commissioner Tate suggested that there should be a 20' setback and should not be part of the maintenance agreement for the City. There should be no grading allowed.

There was discussion of whether there is a walkway around the pool and if this is included in the 6' plus the fencing.

Chairman Harbinson & Commissioner Tate suggested writing a letter to ZBA commenting that it was noticed this item was on their agenda and may cause impact to the adjacent open space property and if the ZBA deems an allowance for this we would recommend that the owner maintain the pool fence line at the property boundary not encroach within the open space boundary. Any grading should be contained within the property boundary. The Commissioners would review the maintenance easement wording before sending the letter.

The Commissioners discussed the Vistas at White Hills site.

## G. Open Space Plan

Agent Gallagher reported that she is still in need of Chairman Harbinson's comments.

## H. Communications

Chairman Harbinson reported on the following:

- CT Forest & Parks Assoc. is having their 2007 annual meeting at the pavilion at Rocky Neck State Park, Thursday, September 20. \$25/per person
- Nature Conservancy letter thanking us email regarding renewal notice. Membership expired March 31.
- CT Farmland Trust 2007 celebration of CT farms, food, wine & art at Bell town hill orchards in South Glastonbury, Sunday, September 09, 2007.

## I. Shelton Farm & Forest Protection Program 2005 Applicant 1 : Homestead Acres

### USDA Review of NRCS and Shelton's FFPP Grant Award

The appraisal is greater than 12 months old. The USDA grant program requires it to be within 12 months of when you do the closing. We did talk to Vimini Associates to give us a quote to update the appraisal. This is not an unusual occurrence; many grants in the past have had to be updated because of the time lag from when you first start the process and the time you actually close. I am not sure at this point if we would have to go out to bid for quotations. We did receive the quote from Vimini and might be able to do it from our budget. I will need to talk to Corporation counsel to see if we are allowed to do it by this process. Vimini did the original appraisal and this is the update.

Al Shepherd did the survey for the property with a deed standard survey and an A2 survey on the interior lot. That is a slightly different language in the conservation easement that is going to be acquired for the whole property. Al Shepherd's work is done and as you recall from our previous meetings, the title insurance company will require an A2 survey for entire property. What is now a "D" standard on the perimeter will have to be an A2 standard. That request for quotations was in the newspaper and is out to bid. Quotes will be received at the Board of A&T meeting next Thursday. Then it will be up to the BOA which one to utilize. I have the maps that were dropped off today for anyone who had a question about the acreage. The basic thing to cover is the conservation easement in total is about 129.2 acres. There are a number of items that make that up.

The Commissioners reviewed the maps presented.

## J. Conservation Agent Report

Agent Gallagher reported on the following:

### Open Space Inventorying and Mapping:

No new progress.

### Community Resource Inventory Committee

The committee will tentatively be meeting on the second Wednesday of the month at 7PM.

### Open Space Trust Account

I did not get a report from Finance.

### Rec Path Grants Status

I have been trying since April to get an accounting of "in-kind" hours that the City has put in because we need to match 20% of the grant. I still need data from Engineering and I've just recently contacted Public Works. I don't think they will have much. I am working with the Trails Committee. DEP will allot \$18.77 per volunteer hour that has been put into the Rec path.

We have a new grant coming to us for \$75,000. We can't use it on anything that has been done before June 2008.

### CT Grant of \$2500 for Rec Path courtesy of Dick Belden

Application must be submitted. BOA authorized Mayor Lauretti to sign off on the application once we decide what we want it to say. Charlene DeFilippo spoke with someone at the state today to get a better feel for what we can and cannot spend this on. The grant can be applied toward the purchase of materials, clearing, and signage, anything to do with the Rec Path. The woman she spoke

with did suggest that perhaps some kind of monument could go with it, although it's not a requirement. I will need input from the Commission to what we want it to say and it could be pretty generic.

Tape 2, Side A

Commissioner Tate suggested that we should come up with a logo, vote on it at next month's meeting. Then we should have the logo laser etched into granite monuments for mile markers.

The Commissioners directed Agent Gallagher to use the grant money for signage and logo program.

### Land keeper Program

An email was sent to the Shelton High School headmaster encouraging students in search of volunteer hours to join the land keeper program. Another email was sent to a list of Girl Scout leaders encouraging them to do the same. Agent Gallagher's troop (#363) is going to adopt the Huntington well fields. We are scheduling a site visit in October.

### Far Mill River water quality

HVA is planning to sample the river on Sept 29 (I will be doing this on a volunteer basis). In addition, they are obtaining a grant to conduct a shoreline assessment of the river next spring with the help of Big Brothers/Big Sisters.

### Well Spring Estates

The developer is asking for a reduction in bond. A list of items to be addressed was submitted to Rick Schultz, including restoration of the open space, additional signage, and blocking of the access road between the new cul-de-sac and Far Mill Crossing. Photos, maps, and the complete list were posted on the Conservation Google Group.

The Commissioners discussed the area surrounding the corncrib and felt they wanted it restored as the meadow.

### Trees to be cut

The Tree Warden is requesting that Conservation cover the cost of cutting a large dead oak tree that is located off the end of the Lane Street cul-de-sac and leaning over the yard of #129 Lane Street. The tree is located on either the City ROW or City open space, and an open space sign is posted on the tree. There is another tree off the end of Cathy Drive that we may be asked to cover, also located in the City ROW for Lane Street/Old Town Road, not far from the Rec Path. This ROW is effectively used as open space and might be signed as such, but is not part of the OS inventory.

The Commissioners felt this was a crazy concept of asking Conservation to pay for tree removal in open space. It's the City's responsibility. It should not come out of the Conservation budget. There is not a line item in our budget for trees.

### Other

I am working with Engineering to find a way to harvest CT Grid coordinates from the Tax Assessor's maps (on CADD, maintained by Engineering) and convert those to latitude/longitude for GPS use. Doing this would allow me to import property lines into my hand-held GPS unit so that significantly more accurate and faster open space inspections and sign placements can be done.

## K. Quality of Life - Executive Session

Vice Chairman Dyer MOVED to go into Executive Session for the purposes of discussing possible land acquisitions at 9:10 PM. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

At 9:16 PM Commissioner Lauriat MOVED to return to regular session. SECONDED by Vice Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to accept the quote for \$1500 from Vincent Guardiano for the appraisal of the property discussed in Executive Session. The expenditure will come out of our Conservation Commission budget line item for professional services. The appraisal should be done before our November 2007 meeting. SECONDED by Vice Chairman Dyer. All were in favor, MOTION PASSED.

## L. Comments by Members

Commissioner Tate said that there is water service at Riverview Park. I also have noticed in the R1 zones that accessory structures (our regulations allow for the structure to be within 60' of the street line). People are putting sheds in front of their house as a part-time garage. It seems to be a very abused situation and is devaluing the look of the community. It would be good if P&Z would do something to change it to go in the back of the house.

Commissioner Tate asked if anything has happened in the appointment process of a new Commission member and Chairman Harbinson answered, no.

## M. Adjournment

Next regularly scheduled meeting will be Wednesday, October 3, 2007.

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**Vice Chairman Dyer MOVED to adjourn. SECONDED by Commissioner Lauriat. All were in favor, MEETING ADJOURNED at 9:25 PM.**

Respectfully submitted,

Marianne Chaya  
Clerk, Conservation Commission